

RANDOLPH COUNTY
SOLID WASTE MANAGEMENT ORDINANCE

REGULATIONS GOVERNING THE STORAGE, COLLECTION,
TRANSPORTATION AND DISPOSAL OF SOLID WASTE

Section I. The purpose of this ordinance is to regulate the storage, collection, transportation and disposal of solid wastes in Randolph County. This ordinance is adopted pursuant to the authority contained in G.S. 153A-121, and -136.

Section II. Definitions

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

- A. Board: Board of Commissioners of Randolph County.
- B. Bulky Waste: Large items of solid waste whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.
- C. Collection: The act of removing solid wastes from a point of generation to a central storage point or to a disposal site, and from a central storage point to a disposal site.
- D. Commercial Solid Waste: Solid wastes generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities.
- E. Construction and Demolition Waste: Waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures.
- F. Division of Solid Waste Management: Division of Solid Waste Management of the N.C. Department of Environmental Health and Natural Resources.
- G. Garbage: All putrescible solid wastes, including food wastes and food containers, animal and vegetable matter, animal offal, carcasses and recognizable industrial by-products, but excluding sewage and human wastes.
- H. Hazardous Wastes: Wastes, or a combination of wastes, in a solid, liquid, contained gaseous, or semisolid form that may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitation reversible illness, taking into account the toxicity of such waste, its persistence and degradability, its potential for accumulation or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other organisms.

- I. Industrial Solid Waste: Solid wastes generated by industrial processes and manufacturing.
- J. Infectious Waste: (1) Equipment, instruments, utensils, and fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must therefore, be isolated as required by public health agencies; (2) laboratory wastes, such as pathological specimens (e.g., all tissues, specimens of blood elements, excreta, and secretions from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto; (3) surgical operating room pathologic specimens and disposable fomites attendant thereto, and similar disposable materials from outpatient areas and emergency rooms.
- K. Institutional Solid Waste: Solid wastes generated by educational, health care, correctional, and other institutional facilities.
- L. Person: Any individual, firm, partnership, corporation, association, governmental unit or agency, or other legal entity.
- M. Public Works Director: The director of the Randolph County Public Works Department, or his authorized representative.
- N. Radioactive Waste: Any wastes that emit ionizing radiation spontaneously.
- O. Recycled Materials: Materials which will be recycled and which would otherwise be processed or disposed of as solid waste.
- P. Recycled Materials Collector: Any person who collects or transports recycled materials.
- Q. Refuse: Solid wastes, excluding garbage and ashes, collected from residences, commercial establishments, and institutions.
- R. Solid Waste: Hazardous or non-hazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, 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:
 - (a) fowl and animal fecal waste
 - (b) solid or dissolved material in
 - (i) domestic sewage and sludges generated by the treatment thereof in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters;

- (ii) irrigation return flows, and
 - (iii) wastewater discharges and the sludges incidental thereto and generated by the treatment thereof which are point sources subject to permits granted under section 402 of the Clean Water Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission;
 - (c) oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143, North Carolina General Statutes;
 - (d) any radioactive material as defined by the North Carolina Radiation Protection Act, G.S. 104E-1 through G.S. 104E-23; or
 - (e) mining refuse covered by the North Carolina Mining Act, G.S. 74-76 through G.S. 74-68, and regulated by the North Carolina Mining Commission
- S. Solid Waste Collector: Any person who collects, transports, or disposes of solid wastes for hire.
- T. Solid Waste Disposal Site: A location of which solid wastes are disposed of by incineration, sanitary landfill, or other approved method.
- U. Solid Waste Dumpster: Large metal container used for the temporary storage of solid wastes.

Section III.

- A. Solid waste shall be disposed of only in one of the following ways:
1. In a sanitary landfill approved by the Division of Solid Waste Management;
 2. In an incinerator that has all required local, state, and federal air pollution control permits;
 3. By any other method, including reclamation and recycling processes, that has been approved by the Division of Solid Waste Management;
- B. In addition to the methods listed in section III. A. above, refuse may be disposed of in solid waste containers provided by the county.
- C. Construction and demolition wastes may be disposed of at disposal sites approved by the Division of Solid Waste Management and the Public Works Director.
- D. Infectious, hazardous, and radioactive wastes shall be disposed of according to written procedures approved by the Division of Solid Waste Management.

- E. Any person collecting and transporting solid wastes generated on his property for disposal at an approved disposal site shall comply with Sections VI. of this ordinance concerning vehicles and containers.

Section IV. Solid Waste Dumpsters

- A. Solid waste containers are maintained at several sites throughout the county for the convenience of county residents on land owned or leased by the county. Solid wastes may be deposited in these solid waste dumpsters only in accordance with the provisions of this ordinance.
- B. All solid wastes shall be deposited inside the solid waste dumpster. No solid waste may be left at the solid waste disposal site outside the dumpster.
- C. Commercial, industrial, and institutional solid wastes may be deposited in solid waste dumpsters only with the permission of the Public Works Director.
- D. The following wastes may not be deposited in solid waste containers:
 - 1. Hazardous wastes;
 - 2. Liquid wastes;
 - 3. Infectious wastes;
 - 4. Radioactive wastes;
 - 5. Bulky wastes;
 - 6. Tires;
 - 7. Construction and demolition wastes;
 - 8. Burning or smoldering materials, or any other materials that would create a fire hazard.
- E. No person may remove any item from a solid waste receptacle, climb on or into a receptacle, or damage any receptacle.

Section V. Sanitary Landfill

- A. The sanitary landfill and solid waste containers of Randolph County may be used only for the disposal of solid wastes generated in Randolph County by any person who is a resident of Randolph County and during regular hours of operation of the landfill and solid waste dumpsters. (1) In order to determine residency in Randolph County, the attendant is authorized to ask for identification. Anyone refusing to provide the information requested will be denied use of the solid waste facilities. Solid wastes shall be disposed of at the appropriate sites in the manner and according to the procedures required by the attendant. (2) Anyone not disposing of their wastes at the sites as directed by the management may be

subject to administrative penalties for costs or damages incurred as provided in Section VII of this ordinance.

B. The following wastes may not be accepted at the sites:

1. Radioactive wastes;
2. Infectious wastes;
3. Wet sludge;
4. Live ashes;
5. Hazardous wastes; provided, however, asbestos may be disposed of in the landfill upon approval by the State of North Carolina and in a manner approved by the Public Works Department;
6. Solid wastes generated outside of the boundaries of Randolph County;
7. Construction and demolition wastes.

C. Tipping fee, container sites: A tipping fee shall be charged to all users of the landfill, other than those who bring only separated recyclable materials and deposit those materials properly in the appropriate recycling container. This tipping fee shall be based on the number of tons of materials brought for disposal, except that there may be a minimum fee. The Board of Commissioners shall adopt a schedule of fees from time to time which shall be effective until amended or replaced. A municipality that institutes a program of curbside collection of recyclables, as approved by the Board of Commissioners, shall be eligible for a reduced tipping fee, as determined by the Board of Commissioners. A tipping fee shall not be charged to the North Carolina Department of Transportation or Adopt a Highway Program.

D. Surcharges: The surcharge system is designed to encourage the separation of certain materials from the waste stream coming to the facility, through reduced tipping fees for properly separated materials, and through surcharges on certain material loads (i.e., yard waste, wood, cardboard, etc.) which are contaminated beyond the levels described in the Schedule of Surcharges. The Board of Commissioners shall adopt a Schedule of Surcharges from time to time which shall be effective until amended or replaced.

Initially, each load will be inspected by a waste controller and/or scale house operator to determine with the hauler which category the material represents. An appropriate tipping fee (if any) would be charged at the scale house. When the load is removed from the vehicle at the appropriate location (i.e., wood pile, landfill, etc.), the waste controller will visually inspect the material to assure compliance to specified contamination levels, as set forth in the Schedule of Surcharges. If the load inspected by the waste controller does not meet specifications, the hauler will be given four choices as follows:

1. Reload the material at the hauler's expense, move the load to the appropriate location and pay the scheduled tipping fee.
2. Leave the load and pay the appropriate surcharge.
3. Remove and dispose of contaminants in the load to avoid a surcharge.
4. Remove the load from the landfill.

The hauler must make arrangements to the waste controller's satisfaction before the hauler leaves the site.

Section VI. Registration of solid waste and recycle materials collectors.

- A. No person shall engage in business as a solid waste or recycled materials collector in Randolph County except with a registration from the Public Works Department pursuant to this ordinance.
- B. Registration as a solid waste collector shall be filed with the Public Works Department on forms approved by the Public Works Director. The applicant shall furnish the following information:
 1. Name and address of the applicant and whether a sole proprietorship, corporation, or partnership, with disclosure of ownership interests;
 2. A list of the collection equipment used, or available to the applicant for collection;
 3. Planned routes and areas of the county the applicant expects to serve;
 4. Schedule of fees the applicant plans to charge.
- C. Registration shall be valid for a period of one year from the date of issuance.
- D. A registered solid waste collector shall submit a report annually to the Public Works Director containing the following information:
 1. Number of customers added or deleted;
 2. changes in routes;
 3. information regarding existing and planned recycling activities (i.e. type, volume, weight of materials recycled);
 4. any other information requested by the Public Works Director and pertinent to the solid waste collection business.

E. Vehicles and Containers

1. Vehicles and containers used for collection and transportation of garbage shall be covered, leakproof, durable and easily cleanable. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair.
2. All registered vehicles and containers entering the landfill site shall display on the front left corner, visible to the scale house operator, a vehicle number supplied by the Public Works Department for the purpose of determining landfill tipping fee.
3. Vehicles and containers used for the collection and transportation of solid waste shall be loaded and not moved in such a manner that the contents will not fall, leak, or spill and shall be covered to prevent the blowing of material. If spillage or leakage should occur, the material shall be recovered immediately by the registrant and returned to the vehicle or container, and the area properly cleaned.

F. When the Public Works Director finds that a registrant has violated this ordinance, he shall give the registrant written notice of the violation and inform him that if another violation occurs within thirty days, or in the case of a continuing violation, if it is not corrected within ten days, the registration will be revoked.

G. No registration issued pursuant to this ordinance shall be assignable.

Section VII. Penalties

- A. Any person violating this ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed fifty dollars (\$50) or imprisonment for not more than thirty (30) days, or both. Each day's violation shall be treated as a separate offense.
- B. Any violation under the provisions of this ordinance may subject the offender to a civil penalty for the costs to the County to correct such violation in the interest of the public health, safety and welfare. Such penalty shall be assessed by the Public Works Director and shall be supported by a written statement of costs incurred by the County to correct such violation, or a civil penalty not to exceed one thousand dollars (\$1000). Such penalty shall be paid within ten days of notification to the offender. If the offender does not pay the penalty within ten days after receiving notice, such penalty shall be recovered by the County in a civil action in the nature of debt.
- C. Any violation of this ordinance shall subject the offender to judicial enforcement of this ordinance by an appropriate equitable remedy issuing from a court of competent jurisdiction, or by mandatory or prohibitory injunction and order of abatement issuing from the General Court of Justice and commanding the offender to correct or cease the violation.

Section VIII. Reference to statutes and regulations

The provisions of North Carolina General Statutes 130A-290, 130-166.16 et seq., and all the rules and regulations of the North Carolina Commission for Health Services and reference to solid waste collection, transportation, and disposal, all as amended from time to time are hereby incorporated by reference and made a part of this ordinance as fully as if set out herein.

Section IX. Landfill operations

The Randolph County landfill shall be operated in accordance with Article 9, Chapter 130A of the North Carolina General Statutes and 10 NCAC 10G rules of the Commission of Health Services and all amendments thereto.

Section X. Severability

If any sentence, clause, paragraph, subsection, or section of these regulations shall be adjudged invalid and of no effect, such decisions shall not affect the main portions of this ordinance.

Section XI. Repealer

All ordinances and regulations of the County of Randolph in conflict with the provisions of this ordinance are repealed.

Section XII. Effective date

This ordinance was amended on April 3, 2010 and shall be effective immediately.

I, Cheryl A. Ivey, Clerk to the Randolph County Board of Commissioners, do hereby certify that the foregoing ordinance was amended and adopted by the Board of Commissioners.

This the 5th day of April, 2010.


Clerk to the Board

Ordinance History:

1. *This ordinance was duly adopted on the 3rd day of December, 1990, by the governing body of Randolph County at a regular meeting thereof, a quorum being present, and was effective on and after January 2, 1991. The ordinance was introduced at the November 5, 1990 meeting and adopted unanimously at the December 3, 1990 meeting by Commissioners Frye, Langley, Davidson, Petty and Comer. The penalties set out in*

Section VII, above, other than written warnings, shall not begin to be assessed until after thirty days from the effective date of this Ordinance.

2. This ordinance was amended August 3, 1992 by adding Section V. Subsection D., which reads in its entirety as follows:

D. Surcharges: The surcharge system is designed to encourage the separation of certain materials from the waste stream coming to the facility, through reduced tipping fees for properly separated materials, and through surcharges on certain material loads (i.e., yard waste, wood, cardboard, etc.) which are contaminated beyond the levels described in the Schedule of Surcharges. The Board of Commissioners shall adopt a Schedule of Surcharges from time to time which shall be effective until amended or replaced.

Initially, each load will be inspected by a waste controller and/or scale house operator to determine with the hauler which category the materials represents. An appropriate tipping fee (if any) would be charged at the scale house. When the load is removed from the vehicle at the appropriate location (i.e., wood pile, landfill, etc.), the waste controller will visually inspect the material to assure compliance to specified contamination levels, as set forth in the Schedule of Surcharges. If the load inspected by the waste controller does not meet specifications, the hauler will be given four choices as follows:

- 1. Reload the material at the hauler's expense, move the load to the appropriate location and pay the scheduled tipping fee.*
- 2. Leave the load and pay the appropriate surcharge.*
- 3. Remove and dispose of contaminants in the load to avoid a surcharge.*
- 4. Remove the load from the landfill.*

The hauler must make arrangements to the waste controller's satisfaction before the hauler leaves the site.

3. This ordinance was amended April 5, 2010 by deleting subsections A, B, C, D, E, F, G of Section III, and labeling the remaining paragraphs of Section III, to A (1, 2, 3), B, C, D, and E. Note: Items removed from the Solid Waste Ordinance on April 5, 2010 were inserted into the Unified Development Ordinance, amending it to include Article XVI, Litter Ordinance, Sections I through X.