

Solid Waste Ordinance
Chatham County, North Carolina

TITLE

This ordinance shall be known and may be cited as the Solid Waste Ordinance of Chatham County, NC.

PREAMBLE

Whereas, the Chatham County Board of Commissioners is authorized by the General Statutes of the State of North Carolina to enact an ordinance regulating solid waste management, collection, storage, transportation, and disposal within Chatham County;

Whereas, the Board recognizes the need to provide both short term and long term strategies for addressing solid waste management issues and ensuring protection of the county's natural resources, and;

Whereas, the Board has provided funds to make available to the residents of Chatham County, full service solid waste and recycling collection centers which are staffed, secure, and professionally operated, and;

Whereas, the Board seeks to strictly enforce the provisions of state and local laws pertaining to solid waste management, illegal dumping, and littering within Chatham County, and;

Whereas, the Board has committed to provide a public education campaign to encourage Chatham County residents and businesses to utilize the most responsible methods of solid waste collection, transportation, disposal, and recycling.

Now, therefore, be it ordained that the following regulations shall apply to Chatham County, North Carolina.

PURPOSE

The purpose of this ordinance is to regulate the management, storage, collection, transportation, and disposal of solid waste and to promote the public safety, health, and welfare of the residents and environment of Chatham County.

AUTHORITY

Under provisions pursuant to North Carolina General Statute 153A, Chatham County hereby exercises its authority to enact these regulations.

JURISDICTION

On and after the effective date of this ordinance the management, collection, storage, transportation, and disposal of solid waste within the unincorporated areas of Chatham County, North Carolina shall be governed by the provisions of this ordinance.

DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of these regulations unless the context clearly indicates or requires a different meaning:

Aluminum Can- an aluminum cylinder receptacle typically used to hold beverages.

Banned Material- any solid waste, recyclable, or other material of which the disposal in a landfill is restricted or forbidden.

Bulky Waste- large items including, but not limited to, appliances, furniture, mattresses, box springs, large auto parts, construction and demolition materials, etc. which cannot be handled by normal solid waste processing, collection, and disposal methods.

Business-any endeavor that generates money, including commercial enterprises, home businesses, farms, etc.

Clean Wood Waste- wood waste that is not treated, painted, or stained.

Collection Center- a staffed facility operated by the County for residents to dispose of their residential trash and recyclables.

Commercial Waste- waste from premises used mainly for the purposes of a trade or business or for the purpose of sport, recreation, education, or entertainment, but excluding household, agricultural, or industrial waste.

Compost- biodegradable material that is managed in such a way to promote its decomposition into a useable soil amenity.

Conditionally Exempt Small Quantity Generator (CESQG)- a business that generates no more than 220 pounds of hazardous waste per month.

Construction and Demolition Waste (C&D)- solid waste resulting solely from construction, remodeling, repair, or demolition operations on buildings, or other structures, but does not include inert debris, land clearing debris, yard debris, or similar non-hazardous material.

Corrugated Cardboard- cardboard manufactured in a series of wrinkles or folds, or into alternating ridges and grooves.

Decals- an identifying label provided by the Solid Waste & Recycling division.

Director- the director of the Chatham County Environmental Quality Department.

Dwelling- a structure in which people live that is assessed fees and taxes.

Electronic Materials- machinery that is powered by a battery or an electrical cord. NC General Statute 130A-309.130 through 130A-209.142 establishes an electronics recycling program consisting of equipment banned from disposal in a landfill.

Environmental Enforcement Officer (EEO)- county employee responsible for executing much of the enforcement provisions of the solid waste ordinance with a specific emphasis on curtailing illegal dumping and violations of collection center policies.

Environmental Quality (EQ) - the Chatham County Environmental Quality Department includes the Solid Waste & Recycling division.

Hazardous Waste- any solid, liquid, or other waste product or combination thereof which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or contribute to adverse health effects on persons, other organisms, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Household Hazardous Waste (HHW)- hazardous waste that is generated in the residential sector, generally of less quantity and toxicity than hazardous waste, but may cause public health or environmental problems if not managed in a special manner, as is more specifically defined by 40 CFR Parts 257 and 258 of the Federal Register.

Illegal Dumping- any action, intentional or unintentional, which contributes to the illegal disposal of solid waste or recyclables.

Inert Debris- solid waste which consists solely of material is that virtually inert and is likely to retain its physical and chemical structure under expected conditions of disposal.

Land Clearing Debris- solid waste which is generated solely from land-clearing activities.

Landfill- disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility, or a surface storage facility.

Licensed Construction and Demolition Facility- a facility licensed by the Chatham County Solid Waste and Recycling division that accepts mixed construction and demolition waste for processing and recycling.

Litter- any amount of solid waste or recyclables which has been disposed of, discarded, or abandoned improperly or illegally including on road sides, in water, or on public or private lands.

Medical Waste- solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste identified in this ordinance.

Municipal Solid Waste (MSW)- any solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. MSW does not include hazardous waste, sludge, industrial waste managed in a solid waste management facility owned and operated by the generator of the industrial waste for management of that waste, or solid waste from mining or agricultural operations.

Notice of Violation (NOV)- informs the recipient that a law, ordinance, or rule has been violated and provides instructions for corrective actions and/or fines.

Nuisance- anything affecting the comfort, health, or safety of others and/or the environment.

Open Burning- the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the atmosphere without passing through a stack, chimney, or a permitted air pollution control device.

Private Hauler- any individual, corporation, association, partnership, or other legal entity that hauls solid waste for a fee.

Processing- any technique designed to change the physical, chemical, or biological character or composition of any solid waste as to render it safe for transport, amenable recovery, storage, recycling, or disposal.

Prohibited Item- any solid waste that is banned or prohibited from disposal in certain solid waste facilities.

Qualified Dwelling- residential dwellings that are either occupied or are available for occupancy as of January 1 of the current taxable year.

Recyclables or Recyclable Material- those materials that are capable of being recycled and which otherwise would be processed or disposed of as solid waste.

Recycling- any 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.

Resident- private inhabitant of Chatham County.

Residential Waste- solid waste generated in the day-to-day activities of a household.

Scrap Tire- a tire that is no longer suitable for its original purpose because of wear or damage.

Solid Waste- see Municipal Solid Waste.

Solid Waste Fee- a flat fee per qualified dwelling which is charged to all homeowners in the unincorporated areas of the County. The fee supports the operations of Chatham County's collection centers, disposal of trash and recycling, and other programs provided by the Solid Waste & Recycling division (including education, environmental enforcement, the Land Clearing and Inert Debris landfill, household hazardous waste, yard waste, white goods, tire management, etc.).

Solid Waste & Recycling (SW&R)- a division of Chatham County's Environmental Quality Department.

Swap Shop- an area at the collection center where items are deposited to be taken or received by other interested persons.

Tipping Fees- a fee for the disposal of waste at a landfill, transfer station, recycling center, or solid waste facility, usually stated in dollars per ton; also known as a disposal fee or service fee.

Transfer Station- facility used for storing solid waste prior to transport to an approved landfill.

Used 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 and discarded refrigerators, freezers, air conditioning units, ranges, water heaters, and other similar large appliances.

Yard Waste- vegetative matter including grass, leaves, branches, limbs, and other similar organic material.

SOLID WASTE ACTIVITIES

Approved Solid Waste Disposal Methods

Each person shall be responsible for ensuring solid waste generated at their home or business in Chatham County is properly disposed of in an approved solid waste facility.

No person shall dispose of any solid waste in Chatham County except by one of the following approved methods. Any disposal method must have been approved by the appropriate state and/or local regulators.

- Collection center
- Composting

- Construction and demolition facility or landfill
- Emergency storm debris area
- Incinerator
- Land clearing and inert debris (LCID) landfill
- Mulching
- Private solid waste or recycling container
- Reclaiming
- Recycling or reclamation operation
- Sanitary landfill
- Transfer station
- Yard waste area

Prohibitions on Collection and Disposal

Per N.C. G.S. 130A-309.09A, no local government, private collector, or disposer of solid waste shall knowingly collect or dispose of waste within Chatham County for which disposal is prohibited by ordinance or which is required to be recycled.

Open Burning

Per N.C. G.S. 15A NCAC 02D .1901 burning of solid waste is illegal. Unless an approved incinerator is provided or a variance has been obtained from the appropriate agency, open burning is prohibited. Nothing in this ordinance shall prohibit controlled burning regulated by the North Carolina Forest Services. In the event that any provision of this ordinance conflicts with the regulations of the state agency, those state regulations shall control.

Littering and Illegal Dumping

It shall be unlawful for any person to throw, dump, or cause to be dumped any solid waste anywhere in the unincorporated areas of the county other than a permitted facility or authorized location.

The provision above does not apply to the disposal of inert debris and yard waste on the property where it was created, which would not create a nuisance or health hazard provided the owner of the property has given permission. These materials cannot be buried and disposal must meet all state and local regulations.

It shall be unlawful for any person to sweep, throw, deposit, or dump, or to permit, allow, maintain, or contribute to the sweeping, throwing, depositing, or dumping of any litter, solid waste, or recyclables onto, upon, or along a drain, gutter, street, sidewalk, alley, vacant or occupied lot, walk, parking lot, embankment, within or near any public or private lake, pond, creek, river, stream, ditch, swamp, marsh, whether or not navigable, or upon any public or private premises within Chatham County; provided however, that nothing in this paragraph shall prevent the managing of litter, recyclables, or solid waste.

It shall be unlawful for any owner, occupant, tenant, or lessee of any building, structure, or land jointly or severally to permit the deposit or accumulation of litter or other illegally dumped materials.

Property owners and prime contractors in charge of a construction site are jointly and severally required to take appropriate measures to ensure the control of litter generated by construction and related activities.

It shall be unlawful to leave solid waste at any Chatham County solid waste facility unless there is a County employee or authorized representative present who consents and/or supervises the leaving of the material.

If any of the material dumped in violation of the provisions above can be identified as having last belonged to, been in possession of, sent to, received by, or to have been the property of any person prior to its being dumped or caused to be dumped that person(s) shall be considered in violation of this ordinance.

SOLID WASTE FEE AND TIPPING FEES

Solid Waste & Recycling (SW&R) operates as an enterprise fund, relying primarily on fees for its funding. Fees are used to fund programs provided by SW&R including, but not limited to, collection centers, household hazardous waste disposal, household recycling, scrap tire disposal, scrap metal recycling, electronics recycling, illegal dumping investigations, litter clean-ups, and educational programming.

Solid Waste Fee

There will be a solid waste fee for each qualified dwelling in the unincorporated area of Chatham County. The Chatham County Board of Commissioners shall approve the fee, each year, along with the annual budget.

Qualified Dwellings in Unincorporated Areas

Qualified dwellings subject to the fee are those residential dwellings that are either occupied or are available for occupancy as of January 1 of the current taxable year. The fee shall be billed with the ad valorem taxes and shall be payable at the same time and in the same manner as the taxes. The first monies paid shall be applied to the solid waste fee. Interest on delinquent fees shall be assessed in the same manner as though the fee were ad valorem taxes. The fee shall become a lien upon the real property as though it were ad valorem taxes. The bill for the fee shall be directed to the owner of the real estate where the dwelling is situated.

Qualified Dwellings in Incorporated Areas

Residents living in a qualified dwelling within the corporate limits of a town or city in Chatham County can voluntarily pay the solid waste fee each year.

Exemption

Owners of a qualified dwelling that is unlivable for occupancy as of the current taxable year may apply for an exemption of the solid waste fee. Unlivable may include no connection for electricity, water, sewer/septic, etc. or damaged due to fire, hurricane, flood, etc. Owners must apply in writing to SW&R. When an application is received, the Director, or authorized designee, will complete an inspection and determine if the fee will be waived. The applicant will be notified of the findings at the time.

To receive an exemption for the current taxable year all applications must be received by November 30 for SW&R staff to process prior to the tax due date. Applications received after November 30, and prior to the tax due date, will receive an exemption for the following taxable year.

If the applicant can prove a qualified dwelling was unlivable prior to the current taxable year, they may receive a refund for up to two years of the solid waste fee.

Tipping Fees

Tipping fees may apply for the disposal of some items at the main facility, including, but not limited to yard debris, land clearing and inert debris, scrap tires, household hazardous waste, electronics, etc. The Chatham County Board of Commissioners shall approve the tipping fees, each year, along with the annual budget.

Waiving Tipping Fees

Any nonprofit, civic group, or individual performing a community cleanup activity related to the betterment of the community environment and health may file a written request with the Director, or authorized designee, to a) authorize use of the main facility and/or b) waive the tipping fee at the main facility. The Director, or authorized designee, will review and approve or disapprove the request and has the authority to waive disposal fees on a case-by-case basis. Tipping fee exemptions are limited to items accepted at the main facility.

SOLID WASTE MANAGEMENT

Solid Waste Storage

No owner, occupant, tenant, or lessee of any property may deposit, store, or permit to accumulate any solid waste upon their property that is not stored or disposed of in a manner consistent with the requirements of this ordinance. Solid waste shall be stored in a manner that will not provide harborage to rodents and vermin and which will not create a fire hazard, health hazard, or public nuisance.

Removal of Solid Waste

The owner, occupant, tenant, or lessee of any property shall remove or cause to be removed all solid waste from their property at such intervals so as not to create a fire hazard, health hazard, or public nuisance. It shall be unlawful for any person to allow garbage or refuse to accumulate or remain on any premises for longer than is reasonably necessary to remove and properly dispose of as required within.

SOLID WASTE TRANSPORTATION

Solid Waste within Chatham County shall be transported according to the following requirements and any applicable state laws.

Leak Proof Containers

All vehicles and containers used for the collection of solid waste shall be leak proof to assure there is no spillage of waste. If spillage should occur, the material shall be considered litter unless the

material is picked up immediately by the driver of the vehicle from which it spilled and returned to the vehicle, container, or properly disposed of, and the area properly cleaned. Vehicles and containers in which solid waste is hauled shall be cleaned to prevent odor or other nuisance conditions.

Secure Load

All vehicles used for the transportation of solid waste shall be covered or secured by some effective means to prevent the spillage or loss of waste while being transported. Effective means shall include durable, heavy plastic or canvas, or tie downs to secure the entire load, front to rear and side to side. Loads consisting of construction and demolition materials, limbs, or bulky items shall be secured with rope or tie downs to assure there is no spillage or littering of waste.

No vehicle shall be allowed to deposit waste at the solid waste facilities unless the waste is enclosed in the vehicle or secured by methods stated in this section. The Director, or authorized designee, shall determine the adequacy of the covering and their decision shall be final.

SOLID WASTE FACILITIES

Solid Waste Facilities

Chatham County facilities include the collection centers, main facility, recycling transfer station, glass bunker area, household hazardous waste facility, land clearing and inert debris landfill, closed landfill, yard waste area, and any future operations operated by SW&R. Solid waste facilities are intended for the disposal of solid waste generated within Chatham County only.

Solid waste shall be disposed of at these facilities in the manner and according to procedures and policies established by SW&R. It shall be the responsibility of person(s) generating the waste to ensure that such solid waste is disposed of in accordance with the requirements of the ordinance.

Operational Policies

The solid waste facilities shall be open to the public only when SW&R staff or an authorized representative is on duty and the gate is open. Leaving solid waste outside a closed gate is illegal dumping and subject to penalties as stated in this ordinance.

Safety Procedures

Vehicles shall observe the posted speed limit and all other directional signs.

No person may discharge firearms, fireworks, or explosives on any solid waste facility.

Transfer of Ownership

Upon receipt at any solid waste facility, ownership of all acceptable solid waste passes to SW&R.

Scavenging

It shall be unlawful for any person to remove any item from any solid waste facility unless they have express permission from the Director, or authorized designee. This shall not apply to any person(s) removing items from the collection center swap shop during operational hours.

Consent to Inspect

The entry into County solid waste facilities of any vehicle signifies the consent of the owner and/or driver of the vehicle for its solid waste contents to be inspected so that SW&R staff, or its designee, can ensure that no prohibited item is brought into the facility.

Any users of county solid waste facilities may be required to supply information including the name and address of the source and type of waste to be deposited.

Prohibited Items

Persons disposing of prohibited items may be required to remove such items at the discretion of the Director, or authorized designee, responsible for solid waste facility operations. All costs incurred by the County for the removal of prohibited items shall be recoverable from the person(s) generating such material.

Loitering

No person shall loiter and/or congregate at any solid waste facility.

No vehicle shall be left unattended on said property. Any vehicle left unattended shall be towed away and placed in storage at the owner's expense.

MAIN FACILITY

Purpose of Main Facility

As a public service, SW&R provides the following collections at their Main Facility: a land clearing and inert debris landfill, scrap tire disposal, yard waste disposal, pesticide container disposal, electronics recycling, mixed recycling, glass recycling, and household hazardous waste collection.

Operating Hours

All vehicles unloading material requiring weighing shall arrive at the main facility one-half hour before the close of the normal operating day.

Land Clearing and Inert Debris Landfill

The Land Clearing and Inert Debris (LCID) landfill may be used for disposal of LCID generated within Chatham County. In emergencies, the LCID may be open for additional hours as directed by the Director, or authorized designee.

SW&R has the authority to determine what types of waste can be deposited in the LCID landfill in accordance with the most current state and federal rules and regulations. Only the following materials shall be disposed of in the LCID landfill:

- Bamboo
- Brush, grass, tree limbs, and similar vegetative material as a part of land clearing
- Gravel
- Land clearing waste
- Rock
- Uncontaminated soil or sand

- Unpainted brick
- Unpainted concrete
- Unpainted concrete block
- Other accepted materials as designated by SW&R

Scrap Tire Disposal

Chatham County businesses and residents may dispose of scrap tires at the main facility.

As stated in N.C. G.S. 130-309.58, every tire retailer or hauler shall complete and sign a Scrap Tire Certification Form. Any other person disposing of more than five scrap tires in one day must also complete a Scrap Tire Certification Form. The Scrap Tire Certification Form must include:

- a) The County in which the tires were collected,
- b) The number of tires to be disposed of, and
- c) That the tires were collected in the normal course of business for disposal. Normal course of business means the tires are being currently generated and sent for disposal in the time period it takes to accumulate a load and obtain hauling services. This does not include stockpiled tires.

The Scrap Tire Certification Form may be obtained from SW&R in advance of disposal or on-site. Tires not accompanied by a completed certification form may be charged based on current pricing.

For tire loads over 100, SW&R will need to be notified one day in advance to ensure enough capacity at the main facility for the load. If there is not enough capacity or the disposer does not wish to stack the tires in the trailers, loads may be referred to the location as determined by SW&R's current scrap tire contract. Disposers need to notify SW&R before taking tires to this location. The scrap tire contractor will receive properly certified tires at no charge to the disposer and bill SW&R.

The following are conditions and exceptions to the free tire disposal policy:

- a) Manufacturer's Defective Tires- For defective manufacturer's tires that are not salable, there will be a charge based on current pricing (N.C. G.S. 130A-309.58).
- b) Out of State Tires- For tires from out of state, there will be a charge based on current pricing.
- c) Tires on Rims- No tires on rims are permitted for disposal. If SW&R is charged by the contractor for rimmed tires, SW&R may bill the disposer.

Electronics Recycling

The electronics recycling program is for Chatham County residents to properly dispose of electronic material that is banned from disposal in a landfill according to general statute and other electronic material. SW&R has the authority to determine what types of waste can be deposited in the electronics recycling in accordance with the most current state and federal rules and regulations.

SW&R may provide electronics recycling at the collection centers, main facility, and/or Household Hazardous Waste events.

Electronics from businesses and commercial facilities may be accepted based on the SW&R Electronics Management Plan. SW&R staff has the authority to refuse items that cannot be accepted.

Household Hazardous Waste

The Household Hazardous Waste program is for Chatham County residents to properly dispose of household hazardous waste (HHW). SW&R will provide periodic HHW events throughout the year, with specific dates published each January. HHW events are held at the HHW facility across from the main office.

Only hazardous waste from households in Chatham County will be accepted at HHW events. Hazardous waste from businesses, commercial facilities, and households outside Chatham County will not be accepted. Visitors bringing items to an HHW event must provide a driver's license with a Chatham County address, or another acceptable form of identification as determined by SW&R staff.

SW&R has the authority to determine what types of waste can be deposited at HHW events in accordance with the most current state and federal rules and regulations. The following items cannot be accepted at any HHW events:

- Ammunition
- Asbestos
- Explosives
- Firearms
- Infectious waste
- Radioactive waste

SW&R staff has the authority to refuse items that cannot be accepted at the HHW facility.

SW&R may accept hazardous waste from conditionally exempt small quantity generators (CESQG) in Chatham County, based on the regulations in the Hazardous Waste Management Permit. The Director, or authorized designee, will make a determination about accepting hazardous waste from a CESQG on a case-by-case basis and acceptance may include costs to the generator for disposal.

Hazardous waste cannot be disposed of at any other solid waste facility.

Yard Waste

The yard waste area may be used for disposal of yard waste material generated within Chatham County. The yard waste area is located at our main facility and is open during business hours, but all vehicles unloading material requiring weighing shall arrive at the main facility one-half hour before the close of the normal operating day.

SW&R has the authority to determine what types of waste can be deposited in the yard waste area in accordance with the most current state and federal rules and regulations. Only the following materials shall be disposed of in the yard waste area:

- Grass clippings

- Leaves
- Limbs
- Trees
- Stumps- without excess dirt
- Wood- untreated, unpainted
- Wood pallets- untreated, unpainted

Pesticide Container Disposal

Any farmer, commercial applicator, or person under the direct supervision of a farmer or commercial applicator in Chatham County can recycle pesticide containers at the main facility. All vehicles unloading pesticide containers shall arrive at the main facility one-half hour before the close of the normal operating day.

The pesticide containers must be empty and triple-rinsed or pressure-rinsed to remove all residues. Booklets, caps, and other non-HDPE (plastic) parts, such as metal handles and rubber linings, cannot be recycled and must be removed prior to disposal. The containers must have originally held an EPA registered pesticide labeled for animal health, agriculture, forestry, vegetative management, specialty pest control, or a non-EPA registered crop protection adjuvant, crop oil, surfactant, micronutrient, or fertilizer. The containers accepted can be up to 55 gallons in capacity.

Anyone wanting to recycle pesticide containers must sign a log at the main office which includes their name, address, pesticide license number, and date.

The North Carolina Pesticide Container Recycling Program is administered by the North Carolina Department of Agriculture and Consumer Services and determines the rules for proper disposal. SW&R staff will manage this program in accordance with the most current state and federal regulations.

Recycling for Residents and Businesses

SW&R provides to residents and businesses recycling of scrap metal, mixed recycling, and glass at the main facility. SW&R has the authority to determine what types of waste can be deposited in accordance with the most current state and federal rules and regulations. SW&R staff has the authority to refuse items that cannot be accepted. All vehicles unloading large amounts of recyclables shall arrive at the main facility one-half hour before the close of the normal operating day.

SW&R has the authority to charge residents without a decal and/or businesses fees for recycling at the main facility. The Chatham County Board of Commissioners shall approve the fee, each year, along with the annual budget.

COLLECTION CENTERS

Use of Collection Centers

The collection centers are operated and maintained by SW&R to provide solid waste and recycling services to residents in the unincorporated areas of the county. Therefore, it shall be unlawful for

any person to use the collection centers unless such a person is disposing of solid waste generated on residential property located within Chatham County and has paid the solid waste fee.

Decals

Decals are provided to residents who have paid the solid waste fee for their qualified dwelling. Decals are valid beginning March 1 through the last day of February of the following year.

Access to Collection Centers

A current decal must be shown to use the collection center. Residents who fail to show a current decal will not be allowed to use the collection center for disposal of garbage, recyclables, use of the swap shop, or any other purpose.

One-Time Pass

Residents can get a one-time pass each decal year to dispose of solid waste without showing a decal. While at the collection center, SW&R staff or authorized designee can call the main office and provide the address where the waste is coming from. If the dwelling where the waste is coming from has paid the current solid waste fee they will be given a one-time pass, provided they have not previously been given a one-time pass for the decal year. One-time passes are only available during normal operating hours of the main office.

Additional Decals

Two decals are provided per qualified dwelling. Additional decals may be purchased at the SW&R office. If decals are lost due to a broken windshield, new vehicle, or other reasons a replacement set may be purchased for a fee. The Chatham County Board of Commissioners shall approve the fee, each year, along with the annual budget.

New Residents

Residents moving into a dwelling that is current on payment of the solid waste fee may obtain a set of replacement decals through the SW&R office. Residents moving into a newly constructed dwelling after January 1st may obtain decals through the SW&R office by paying a pro-rated amount of the solid waste fee for the remainder of the year. The pro-rated amount is based on the month the certificate of occupancy was received.

Special Decals

In certain cases, SW&R may provide special decals to dwellings or businesses that do not qualify for a solid waste fee. Each instance will be determined on a case-by-case basis by the Director, or authorized designee, and fees may be assessed.

Churches located in Chatham County may use the collection centers for general trash and recycling if one of their church members has a decal. Churches cannot dispose of bulky items or construction materials at the collection centers.

Materials Not Accepted

Due to the difficulty or a public health hazard of managing commingled solid waste, and in order to comply with state and federal laws, certain materials cannot be placed in the containers at the collection centers, which will ultimately be disposed of in a landfill.

The following materials cannot be accepted in containers that will be disposed of in a landfill:

- ABC beverage containers
- Aluminum cans
- Animals
- Antifreeze
- Chemicals
- Computer equipment
- Concrete
- Fire embers or ash
- Hazardous waste
- Infectious waste
- Lead-acid batteries
- Liquid paint
- Liquids
- Oyster shells
- Pesticides
- Plastic bottles
- Radioactive waste
- Televisions
- Used oil and oil filters
- White goods
- Whole scrap tires
- Wooden pallets
- Yard waste

The materials not accepted list is current as of adoption of this ordinance, but may change from time to time due to state and federal laws and/or contracts for disposal services.

Business Waste

No business, industry, institution, or other non-residential entity shall use the collection centers. A business is defined as any income-generating endeavor, such as builders, contractors, developers, farms, home business, landlords, etc. Non-residential generators of solid waste are required to dispose of solid waste at an approved solid waste facility.

Solid waste collected by a private hauler for a fee, charge, tax, or other compensation will not be accepted at the collection centers. Such solid waste must be disposed of at an approved solid waste facility.

Deposit of Materials in Containers

All solid waste shall be placed in the appropriate on-site container as designated by signage or directed by SW&R staff or authorized representative. Failure to adhere to the correct deposit of materials is considered a policy violation and subject to penalty as defined in this ordinance. Solid waste placed outside a container or at a closed gate will be considered littering or illegal dumping and subject to penalty as defined in this ordinance.

Large Load Policy

Residents with a current decal can bring one large load of solid waste in a seven-day period. As this policy applies to all collection centers, residents cannot bring more than one large load to different collection centers in the seven-day period.

A large load is defined as 120 cubic feet, equal to 8 feet long x 5 feet wide x 3 feet high. SW&R staff, collection center attendants, or authorized designees shall determine if it is a large load. Residents must complete a Policy Acknowledgement Log to be able to dispose of their waste.

If a resident has more than a large load, residents will be directed to leave the equivalent of a large load only. Additional solid waste can be taken to any collection center after the seven-day period or taken to an approved disposal facility, such as a transfer station or landfill.

Revocation of Decal

The Director, or authorized designee, may revoke a decal for the collection centers based on any of the following conditions:

- Refusal to follow instructions, verbal or written, or refusal to complete required paperwork.
- Knowingly disposing of prohibited waste(s).
- Vehicle or container(s) are not properly covered or secured.
- Illegal possession of a decal.
- Threatening or belligerent behavior at the collection centers, to County employees, County contractors, or members of the public.
- Repeated violations.
- Violation of state and local laws on the premises.
- Other violations of policies and ordinances.

Any person(s) whose decal has been revoked may appeal to the Director.

PRIVATE HAULERS

No person within Chatham County shall collect, transport, or dispose of solid waste for a fee without a Private Hauler Permit issued by SW&R, provided that this subsection shall not apply to any person(s) disposing of solid waste from their own residence.

Private Hauler Permit

Private haulers wishing to collect, transport, or dispose of solid waste for a fee within Chatham County shall obtain a Private Hauler application from the main facility. The application shall include the following information:

- Name and address of the applicant.
- A list of all the equipment possessed, available, or to be obtained by the applicant, including motor vehicle make, VIN, and gross weight.
- The number of employees the applicant expects to use in the business.
- The types of waste collected, amounts, and the location(s) where it is disposed.
- The number of customers serviced.

Private Hauler Permits are issued annually and are valid from January 1 to December 31. Renewal applications must be submitted by January 15 of each year. New applications can be submitted any time throughout the year, but all permits issued will expire on December 31.

SW&R shall issue a Private Hauler Permit only when, upon inspection, it finds that the facilities, equipment, and proposed operational methods of the applicant are in compliance with the requirements of the county and state. Permits cannot be assigned to another party.

Revocation of Permit

If a violation of this ordinance or state or federal regulation is found, the Private Hauler Permit will be revoked either for a temporary period while the violation is addressed or permanently for failure to comply. The private hauler will be notified in writing of any violation, steps to address the violation, and the process for appealing the decision.

Materials Not Accepted

It shall be illegal for haulers to collect and dispose of materials that have been banned from certain type of disposal by the county, state and/or federal rules and regulations.

Recycling

All private haulers who collect residential waste for a fee must establish a program to collect and recycle, at a minimum, aluminum cans and plastic bottles or else not accept these materials commingled with the residential garbage. In addition, haulers are encouraged to promote recycling of steel food cans, glass bottles and jars, corrugated cardboard, mixed paper, and other household recyclables.

Private haulers who do not establish satisfactory programs to remove the recyclables from the waste stream shall be subject to the penalties specified in this ordinance and/or revocation of their Private Hauler Permit. It shall be unlawful for any private hauler to falsely advertise that any material is being recycled when in fact it is not.

CONSTRUCTION AND DEMOLITION RECYCLING

Purpose

Persons who generate construction and demolition (C&D) waste from a project involving the construction, remodeling, or demolition of a building or structure 1,000 square feet or greater in the unincorporated area of Chatham County must ensure the material is disposed of in a C&D facility licensed by SW&R.

Inspections

The Director, or authorized designee, shall have authority to inspect any licensed C&D facility, facility wishing to be licensed, any C&D site, and any disposal records for C&D debris generated at C&D sites. All C&D disposal receipts and weight tickets must be kept by the permit applicant for one year. Any inspection shall be made at reasonable hours with the consent of the owner of the facility or property; or if consent is refused, pursuant to a properly issued search warrant.

It shall be unlawful for any person(s) to knowingly contaminate C&D material so as to make it unrecyclable.

Licensed Construction & Demolition Facilities

Any facility desiring to accept C&D waste from sites in Chatham County shall apply to SW&R for a license. All applications shall be submitted in the form provided by SW&R. SW&R will review the application, complete an inspection of the C&D facility, and ensure they are diverting from landfill disposal a minimum of 30% of C&D waste. Inert debris will be excluded from this calculation.

If approved, the C&D facility will receive a copy of their license. The terms of all licenses issued under the ordinance shall be for a period of twelve (12) months, commencing on the date of issuance of the license. Prior to the expiration of the license, SW&R will complete an inspection and calculation of the previous year's data. The C&D facility must provide SW&R with their North Carolina Department of Environmental Quality annual report.

New C&D facilities that are licensed by the state of North Carolina may receive a license from SW&R. As no previous data will be available, the new C&D facility must provide semi-annual data for the first twelve (12) months of operations to ensure compliance.

All licenses shall be issued for a specific location and shall be non-transferable.

Revocation or Suspension of License

All licenses may be revoked or suspended where it appears to SW&R that the licensee has provided false information on an application or reports provided, does not have required permits or licenses, or any employee of the licensee has violated any of the provisions of this ordinance.

Upon the determination of any condition which is grounds for revocation or suspension of a license, the Director, or authorized designee, shall serve written notice to the licensee. The licensee will be provided with written notice of the suspension or revocation, reason, and any corrective actions that may be taken.

Exemptions

A person(s) with a C&D site may be provided an exemption if the person(s) seeking the exemption has demonstrated that strict application of the requirement will create practical difficulties or unnecessary hardships not generally applicable to other persons in similar circumstances. An exemption request must be made in writing and the Director, or authorized designee, has the authority to approve or deny an exemption and the decision is final.

Licensed C&D facilities that do not meet the 30% minimum requirement annually may be provided an exemption. The C&D facility must demonstrate practical difficulties or unnecessary hardships to meeting the requirement. An exemption request must be made in writing and must demonstrate best efforts being used to meet the minimum. The Director, or authorized designee, has the authority to approve or deny an exemption and the decision is final.

ENFORCEMENT AND PENALTIES

Enforcement Officers

The rules and regulations prescribed in this ordinance shall be enforced by the Director, or authorized designee, or any other appropriate agencies having duties and responsibilities in the areas of solid waste, health, safety, and law enforcement. These agencies are hereby empowered to issue citations upon a violation of this ordinance.

Responsibility

When solid waste is placed, thrown, or deposited into, upon, or along any public or private property the owner, occupant, tenant, lessee, proprietor, or other person in charge shall be responsible to properly and lawfully manage and/or remove said material and dispose of in accordance with this ordinance.

When solid waste is released from a vehicle, the operator of the vehicle shall be presumed to have committed such offense.

When solid waste is illegally burned, or shows evidence of having been illegally burned, on any public or private property the owner, occupant, tenant, lessee, proprietor, or other person in charge shall be deemed the responsible party.

Evidence

If any solid waste disposed of in violation of this ordinance can be identified as having belonged to, been in the possession of, been sent to or received by, or been the property of any person prior to being disposed of, this shall be prima facie evidence that such person disposed of, or caused to be disposed of, such solid waste in violation of this ordinance.

Photographs or videotapes of illegal dumping, litter, or of a person in the process of committing such offense may be used as evidence to identify the person responsible.

Penalties

SW&R may exercise any of the following remedies as authorized by North Carolina General Statute.

The violation of any provisions of this ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in G.S. 14-4 by imprisonment not to exceed thirty (30) days or as a fine not more than \$500. Each day's violation of this ordinance shall be a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of liability for taxes, fees, or administrative penalties pursuant to this ordinance.

Enforcement of this ordinance may be by appropriate equitable remedy, injunction, or order of abatement issuing from a court of competent jurisdiction pursuant to general statute, or the most current state and federal regulations.

Civil Penalties

In addition to, and not in lieu of, the criminal penalties and other sanctions provided in this ordinance, any person violating any of the provisions of this ordinance shall be subject to a civil penalty for each violation which shall be paid in full within seven (7) days of the service of the citation in accordance with general statute, or the most current state and federal rules and regulations.

Such civil penalties may be recovered by Chatham County in a civil action in the nature of debt or may be collected in such other manner as prescribed herein within the prescribed time following the issuance of notice of violation.

The civil penalties for violation of this ordinance shall be as follows:

First Offense	\$100.00
Second Offense	\$200.00
Subsequent Offenses	\$400.00

The civil penalties for violation for a commercial purpose, or a flagrant and willful violation, shall be \$500.00. The Director, or authorized designee, shall determine if a violation is a flagrant and willful violation.

Notice of Violation

A notice of violation (NOV) may be issued for any violation of this ordinance. The NOV shall, at a minimum:

- a) State the violation committed, the place and approximate date, and the amount of the penalty.
- b) Notify such offender that failure to pay the penalties within the prescribed time shall subject such offender to a civil action in the nature of debt for the stated penalty together with the cost of the action to be taxed by the court.
- c) Further provide that such offender may answer the notice by mailing said NOV, and stated penalty to the location designated upon such notice, and that upon payment, such case or claim and right of action by Chatham County be deemed compromised and settled.

SW&R is authorized to accept such payments in full and final settlement of the claim(s) or right(s) of action, which SW&R may have to enforce by civil action in the nature of debt. Acceptance of such penalty shall be deemed full and final release of any and all such claims, or rights of action arising out of such alleged violation(s).

The NOV referred to herein may be delivered to the person violating the provisions of this ordinance in person, or may be mailed to said person at their last known address, certified mail return receipt requested.

All penalties paid to SW&R, as well as those recovered in a civil action in the nature of debt as herein provided, shall be paid to Chatham County Schools.

Financial Responsibility for Abatement

If SW&R incurs costs associated with abatement of illegally dumping or littering, those costs will be the responsibility of the property owner or other responsible party. Abatement costs shall be paid in full within seven (7) days of the issuance of an invoice from SW&R.

If the abatement costs are not paid within seven (7) days, such abatement costs may be recovered by Chatham County in a civil action in the nature of debt or may be collected in such other manner as prescribed herein.

Any recovered abatement funds shall be paid to SW&R.

Refusal of Use of Solid Waste Facilities

The Director, or authorized designee, may deny use of any county solid waste facility based on any of the following conditions:

- Repeated violations of policies and ordinances.
- Refusal to pay the appropriate disposal fee.
- Unpaid balance of the solid waste fee.
- Hauling of prohibited waste(s).
- Vehicle or container(s) are not properly covered or the load secured.
- A private hauler is not properly permitted.
- Other similar conditions.

The length of time for the denial of use may vary according to the condition and will be communicated to the person(s) being denied service. Any person(s) who is denied service may appeal to the Director.

Equitable Enforcement

The provision of this ordinance may be enforced by equitable remedy, and any unlawful condition existing or in violation of this ordinance may be enforced by injunction and order of abatement in accordance with the provisions in G.S. 153A-123.

In assessing the penalties under this ordinance, the Director, or authorized designee, shall consider the following:

- a) The number of previous violations.
- b) The number of communications with the offender prior to the violation.
- c) Actions taken by the person(s) to try to comply.
- d) The estimated quantity of the solid waste.

Non-County Residents

All fees and penalties in this ordinance shall apply for non-county residents, including out of state residents, at a rate that is double the fee or penalty.

Severability

If any section of this ordinance is held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

ADOPTION OF ORDINANCE

This ordinance shall be effective upon its adoption. All ordinances in conflict with the ordinance are hereby repealed.

Adopted the 20th day of July, 2020.

Kara A. Howard

Chair of Chatham County Board of Commissioners

Lindsay K. Clay

Clerk to the Board



