

## **ORDINANCE FOR THE MANAGEMENT OF SOLID WASTE CHOWAN COUNTY**

### Section I. Purpose and Statutory Authority

The purpose of this ordinance is to regulate the storage, collection and disposal of solid wastes in Chowan County. This ordinance is adopted pursuant to the authority contained in G.S. 153A-121, -132.1 and -136.

Section II. Definitions The following definitions apply in the interpretation and enforcement of this ordinance

A. Board: Board of Commissioners of Chowan County.

B. Bulky waste: Large items of solid waste such as household appliances, furniture, automobiles, large auto parts, trees, branches, stumps, and other oversize wastes 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 Health Services: Division of Health Services of the North Carolina Department of Human 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 semi-solid form that may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating 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. Health Director: The director of the Pasquotank- Perquimans-Camden-Chowan District Health Department, or his authorized representative.

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

K. 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.

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

M. Person: Any individual, firm, partnership, corporation, association, governmental unit or agency or other legal entity.

N. Radioactive waste: Any wastes that emit ionizing radiation spontaneously.

O. Refuse: Solid wastes, excluding garbage and ashes, collected from residences, commercial establishments and institutions.

P. 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, semi-solid, 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. 74-46 through G.S. 74-68, and regulated by the North Carolina Mining Commission.

Q. Solid waste collector: Any person who collects, transports or disposes of solid wastes for hire.

R. Solid waste disposal site: A location at which solid wastes are disposed of by incineration, sanitary landfill or other approved method.

S. Solid waste receptacle: Large metal container used for the temporary storage of solid wastes and capable of being automatically emptied into collection vehicles.

### Section III. Landfill Management

A. The sanitary landfill of Chowan County may be used for the disposal of solid wastes by any person who is a resident of Chowan County during regular hours of operation of the landfill. Solid wastes shall be disposed of at the landfill in the manner and according to the procedures required by the landfill manager or his representative.

B. The following wastes may not be disposed of in the landfill:

- I. bulky wastes
2. construction and demolition waste exceeding four feet in length or six inches in diameter
3. radioactive wastes
4. tires, unless they have been quartered or shredded
5. infectious wastes
6. wet sludge.

### Section IV. Solid Waste Receptacles~

A. Solid waste receptacles are maintained at numerous sites throughout the county for the convenience of county residents. Solid wastes may be deposited in the solid waste receptacles only in accordance with the provisions of this ordinance.

B. All solid waste shall be deposited inside the solid waste receptacle. No solid waste may be left at the solid waste disposal site outside the receptacle.

C. Commercial, industrial and institutional solid wastes may be deposited in solid waste receptacles only with the permission of the Public Works Director.

D. The following wastes may not be deposited in solid waste receptacles:

- I. 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. Solid Waste Transportation~

No solid waste collector shall transport solid waste in a conveyance which has not been approved in accordance with the provisions of this Ordinance. Vehicles or containers used for the collection and transportation of garbage, or refuse containing garbage, shall be covered, leakproof, durable and of easily cleanable construction. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom, and shall be covered to prevent blowing of material. If spillage should occur, the material shall be pick up immediately by the solid waste collector and returned to the vehicle or container and the area properly cleaned. All vehicles or containers used for the collection and transportation of any solid waste shall be parked, maintained, and/or stored in a location approved by the Director of Public Works.

#### Section VI. Solid Waste Collector Permits

- A. No person shall collect, transport, or dispose of solid waste without a written permit from the Chowan County Public Works Department; provided that this Section shall not apply to any person disposing of solid waste from his own residence, to any person operating a solid waste disposal site approved by the North Carolina Division of Health Services, or to any person collecting or transporting refuse. The Public Works Director shall issue such a permit only when, upon inspection by appropriate personnel, that the facilities, equipment and proposed operating methods of the applicant are in compliance with the requirements of these regulations.
- B. A permit shall be valid for a period of one year from the date of issuance.
- C. The permit fee shall be twenty-five dollars (\$25.00) per year.

#### Section VII. Enforcement

A. This Ordinance shall be enforced by the appropriate County agencies having duties and responsibilities in the areas of health, solid waste disposal and law enforcement. The agencies shall

include but not be limited to the Chowan County Health Department, the Public Works Director, and the Chowan County Sheriff's Department.

B. Any person violating the Ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00) or imprisonment for not more than thirty (30) days, or both. Each day's violation shall be treated as a separate offense.

Adopted by the Chowan County Board of Commissioners on September 14, 1981; and amended by the Chowan County Board of Commissioners on September 12, 1988, and amended June 15, 1992.