

Chapter 22

SOLID WASTE*

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***Editor's note**—Ord. of 12-15-2008, §§ 1—70, amended Ch. 22 in its entirety to read as herein set out. Prior to inclusion of said ordinance, Ch. 22 pertained to similar subject matter. See also the Code Comparative Table.

Cross references—Buildings and building regulations, ch. 6; environment, ch. 12; manufactured homes and trailers, ch. 16.

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ARTICLE I. GENERAL

Sec. 22-1. Purpose.

The purpose of this chapter is to:

- (1) Preserve the long-range health, safety and welfare of the public and the economic productivity and environmental quality of Lee County by conserving resources and reducing potential pollution of the environment.
- (2) Regulate the storage, collection and disposal of solid waste within the unincorporated areas of Lee County.
- (3) Establish and/or encourage methods of collection, reduction and separation to ensure the efficient utilization of waste disposal facilities and the effective reuse of wastes.

(Ord. of 12-15-2008, § 1)

Sec. 22-2. Statutory authority.

This chapter is adopted pursuant to the authority contained in G.S. 153A-121, G.S. 153A-132.1, G.S. 153A-136, G.S. 153A-274—G.S. 153A-278 and G.S. 153A-291 — G.S. 153A-293, and G.S. 130A-309.09, G.S. 130A-309.09A, G.S. 130A-309.09B and G.S. 130A-09D. Unless otherwise indicated, this article applies to both publicly owned and privately owned municipal solid waste management facilities located in the county.

(Ord. of 12-15-2008, § 2)

Sec. 22-3. Definitions.

As used in this chapter, the following words, terms or phrases shall have the meanings indicated:

Authorized representative means the county employee designated by the director of general services to enforce the provisions of this chapter.

Authorized user means any club, church, residential based commercial enterprise, and each county residence located within the unincorporated areas of Lee County and which are subject to payment of an annual solid waste fee.

Bags mean plastic bags of sufficient size and strength to hold up to 32 gallons and which are capable of being closed.

Board of commissioners means the Board of Commissioners of Lee County.

Bulky waste means large items of solid waste such including but not necessarily limited to furniture, large auto parts, trees, branches, stumps and other oversized wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.

Collection means the act of removing solid waste (or materials that have been separated for the purpose of recycling) to a transfer station, processing facility or disposal facility.

Commercial solid waste means all types of solid waste generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities, excluding residential and industrial waste.

Construction and demolition waste means solid waste resulting solely from the construction, remodeling, repair or demolition operations on buildings or other structures, but does not include inert debris, land clearing debris, yard debris or used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete or similar nonhazardous material.

County means Lee County, North Carolina.

Department means the North Carolina Department of Environment and Natural Resources.

Director of general services means the Lee County Director of General Services.

Garbage means all putrescible wastes, including but not necessarily limited to animal offal and carcasses, and recognizable industrial byproducts, but excluding sewage and human waste.

Hazardous waste means a solid waste, or combination of solid wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Incineration means the process of burning solid, semisolid or gaseous combustible wastes to an inoffensive gas and residue containing little or no combustible material.

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

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

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

Land clearing debris means solid waste that is generated solely from land clearing activities.

Landfill means a disposal facility or part of a 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 longterm storage facility or a surface storage facility.

Litter means any garbage, rubbish, trash, refuse, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility, dead animal, or discarded material in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. While being used for or distributed in accordance with their intended uses, "litter" does not include political pamphlets, handbills, religious tracts, newspapers, and other similar printed materials the unsolicited distribution of which is protected by the Constitution of the United States or the Constitution of North Carolina.

Medical waste means any 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 biological, but does not include any hazardous waste, radioactive waste, household waste as defined in 40 Code of Federal Regulations 261.4(b)(1) in effect on 1 July 1989, or those substances excluded from the definition of "solid waste" in this article.

Municipal solid waste means 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. Municipal solid waste does not include hazardous waste, sludge, industrial waste managed in a solid waste management facility owned and operated by the generator of the industrial waste for management of that waste, or solid waste from mining or agricultural operations.

Municipal solid waste management facility means any publicly or privately owned solid waste management facility permitted by the department that receives municipal solid waste for processing, treatment or disposal.

Open burning means 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.

Pathological waste means human tissues, organs and body parts, and the carcasses and body parts of any animals that were known to have been exposed to pathogens that are potentially dangerous to humans during research, and were used in the production of biological or in vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.

Person means any individual, corporation, company, association, partnership, unit of local government, state agency or other legal entity.

Processing means any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport; amenable to recovery, storage or recycling; safe for disposal; or reduced in volume or concentration.

Putrescible means solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen waste, offal and animal carcasses.

Radioactive waste means waste containing any material, whether solid, liquid or gas, which emits ionizing radiation spontaneously.

Recovered material means a material that has known recycling potential, can be feasibly recycled, and has been diverted or removed from the solid waste stream for sale, use, or reuse. In order to qualify as a recovered material, a material must meet the requirements of G.S. 130A-309.05(c).

Recyclable material means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

Recycling means the processes by which solid waste are recovered, materials collected, separated or processed, and reused or returned to be used in the form of raw materials or products.

Refuse means all nonputrescible waste.

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

Resource recovery means the process of obtaining material or energy resources from discarded solid waste that no longer has any useful life in its present form and preparing the solid waste for recycling.

Sanitary landfill means a facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted pursuant to G.S. 130A-290 et seq.

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

Septage means solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids and sludge of human or domestic origin, which is removed from a wastewater system. The term septage includes the following:

- (1) Domestic septage, which is either liquid or solid material removed from a septic tank, cesspool, portable toilet, type III marine sanitation device, or similar treatment works receiving only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works receiving either

commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

- (2) Domestic treatment plant septage, which is solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works where the designed disposal is subsurface. Domestic treatment plant septage includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from domestic treatment plant septage. Domestic treatment plant septage does not include ash generated during the firing of domestic treatment plant septage in an incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.
- (3) Grease septage, which is material pumped from grease interceptors, separators, traps, or other appurtenances used for the purpose of removing cooking oils, fats, grease, and food debris from the waste flow generated from food handling, preparation and cleanup.
- (4) Industrial or commercial septage, which is material pumped from septic tanks or other devices used in the collection, pretreatment, or treatment of any water carried waste resulting from any process of industry, manufacture, trade, or business where the design disposal of the wastewater is subsurface. Domestic septage mixed with any industrial or commercial septage is considered industrial or commercial septage.
- (5) Industrial or commercial treatment plant septage, which is solid, semisolid, or liquid residue generated during the treatment of sewage that contains any waste resulting from any process of industry, manufacture, trade or business in a treatment works where the designed disposal is subsurface. Industrial or commercial treatment plant septage includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from domestic treatment plant septage. Industrial or commercial treatment

plant septage does not include ash generated during the firing of industrial or commercial treatment plant septage in an incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

Sharps means needles, syringes with attached needles, capillary tubes, slides and cover slips, and scalpel blades.

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

Solid waste means any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludge's generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include:

- (1) Fecal waste from fowls and animals other than humans.
- (2) Solid or dissolved material in:
 - a. Domestic sewage and sludge's generated by treatment thereof in sanitary sewage collection, treatment and disposal systems that are designed to discharge effluents to the surface waters.
 - b. Irrigation return flows.
 - c. Wastewater discharges and the sludge's incidental to and generated by treatment which are point sources subject to permits granted under section 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludge's that meet

the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this definition.

- (3) Oils and other liquid hydrocarbons controlled under G.S. Chapter 143, Article 21A. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this definition.
- (4) Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011).
- (5) Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this definition.
- (6) Recovered material.

Solid waste collection facility means a facility owned and operated by the county consisting of containers and/or compactors and other appurtenances for the collection of recyclables and solid waste. These sites are commonly referred to as convenience centers and have been established for the use of residences located within the unincorporated areas of Lee County, North Carolina.

Solid waste collector means any person who collects or transports solid waste.

Solid waste disposal site means any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method.

Solid waste receptacle means a container used for the temporary storage of solid waste while awaiting collection.

Source separation means setting aside recyclable materials at their point of generation by the generator.

Territorial jurisdiction means the unincorporated areas of Lee County.

Tire means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G.S. 20-4.01(23).

Transfer station means a site at which solid waste is concentrated for transportation to a processing facility of disposal site. A transfer station may be fixed or mobile.

Used oil means any oil which 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 due to the presence of impurities or loss of original properties, but which may be suitable for further use and is economically recyclable.

White goods includes refrigerators, ranges, water heaters, freezers, unit air conditioners, washing machines, dishwashers, clothes dryers, and other similar domestic and commercial large appliances.

Yard trash means solid waste consisting solely of vegetative matter resulting from landscaping maintenance.
(Ord. of 12-15-2008, § 3)

Secs. 22-4—22-13. Reserved.

ARTICLE II. STORAGE OF SOLID WASTE

Sec. 22-14. To be in accord with article provisions.

No owner, occupant, tenant or lessee of any property may deposit, store or permit to accumulate any solid waste on his property that is not stored or disposed of in a manner prescribed by this article.
(Ord. of 12-15-2008, § 4)

Sec. 22-15. Responsibilities of owners and tenants.

The owner, occupant, tenant or lessee of any property shall remove or cause to be removed all solid waste from his/her property at least once each week (a seven-day period).
(Ord. of 12-15-2008, § 5)

Sec. 22-16. Containers.

Garbage shall be stored only in a container that is durable, rust resistant, nonabsorbent, watertight and easily cleaned, with a close-fitted, flytight cover in place, with adequate handles or bails to facilitate handling. The number of containers shall be ade-

quate to store one week's accumulation of garbage. Each container shall be kept clean so that no odor or other nuisance condition exists.
(Ord. of 12-15-2008, § 6)

Sec. 22-17. Refuse storage.

Refuse shall be stored in a manner that will resist harborage to rodents and vermin and will not create a fire hazard. Regulated refuse under this section includes, but is not limited to, lumber, boxes, barrels, bottles, cans, tires, paper, cardboard, rags, old furniture and other bulky waste, and white goods.
(Ord. of 12-15-2008, § 7)

Sec. 22-18. Bulky waste.

No owner, occupant, tenant or lessee of a building or dwelling, other than a licensed junk dealer, may place or leave, or cause to be placed or left, outside the building or dwelling any bulky waste for longer than 72 hours.
(Ord. of 12-15-2008, § 8)

Sec. 22-19. Abandonment of receptacles with airtight doors.

No owner, occupant, tenant or lessee of any building or dwelling may leave outside the building or dwelling, in a place accessible to children, any abandoned or unattended icebox, refrigerator or other receptacle that has an airtight door without first removing the door.
(Ord. of 12-15-2008, § 9)

Secs. 22-20—22-29. Reserved.

ARTICLE III. COLLECTION OF SOLID WASTE

Sec. 22-30. Authorized collection services.

Only the solid waste collection services and facilities hereinafter specified are authorized to be provided and used for the collection of solid waste generated on or within premises subject to this chapter. The provision or use of collection services not authorized herein is a violation of this chapter.
(Ord. of 12-15-2008, § 10)

Sec. 22-31. Owner or occupant solid waste collection.

The owner or occupant of premises within the territorial jurisdiction of this article may collect solid waste and/or recyclables generated on such person's own premises and transport the same to an authorized county or private solid waste collection or disposal facility. Such collection is not subject to permit or license requirements or other restrictions to which commercial solid waste collectors are subject, provided that such solid waste is transported by a means and in a manner that solid waste or recyclables do not leave the transporting vehicle; a violation of such provision is a violation of this chapter. (Ord. of 12-15-2008, § 11)

Sec. 22-32. County solid waste collection facilities.

The county shall establish and maintain solid waste collection facilities within the territorial jurisdiction of this chapter. The provisions in the following sections shall govern the use of these facilities. (Ord. of 12-15-2008, § 12)

Sec. 22-33. Limitations on use.

The use of solid waste collection facilities shall be limited to the collection of solid waste generated on or within residential premises located within the territorial jurisdiction of this chapter. Recyclable materials as provided for in article IV shall be accepted for resource recovery purposes. (Ord. of 12-15-2008, § 13)

Sec. 22-34. Prohibited wastes.

The following wastes will not be accepted at the county solid waste collection facilities:

- (1) Asbestos;
- (2) Burning or smoldering materials, or any other materials that would create a fire hazard;
- (3) Commercial waste;
- (4) Construction and demolition waste;
- (5) Hazardous waste;
- (6) Industrial waste;
- (7) Institutional waste;
- (8) Radioactive waste;

- (9) Regulated medical waste;
- (10) Animal feces;
- (11) Dead animals;
- (12) Yard waste;
- (13) Sludge's;
- (14) Barrels;
- (15) Sharps not prepared according to this chapter;
- (16) Any item not acceptable at the solid waste disposal facility utilized by the county; and
- (17) Other wastes as specifically prohibited by the department, the director of general services and/or his/her authorized representative.

(Ord. of 12-15-2008, § 14)

Sec. 22-35. Commercial use of collection facilities.

Commercial solid waste collectors and person(s) other than the owners and/or occupants of noncommercial residential premises within the territorial jurisdiction of this chapter shall not use the county solid waste collection facilities. (Ord. of 12-15-2008, § 15)

Sec. 22-36. Facility attendants.

The sites of each solid waste collection facility shall be attended by employees or agents of the county when open. Such attendants shall refuse to accept and allow the unloading of solid waste, which fails to comply with provisions of this chapter or with the rules duly promulgated by the department and/or the director of general services. No solid waste may be unloaded or otherwise placed in any container or on the site thereof unless an attendant is present and has accepted such solid waste. A violation of such provision is a violation of this chapter. (Ord. of 12-15-2008, § 16)

Sec. 22-37. Receptacles.

Receptacles are provided and maintained at the solid waste collection facilities for use by authorized

users. Solid waste and/or recyclables must be deposited in such receptacles only in accordance with the provisions of this chapter.

(Ord. of 12-15-2008, § 17)

Sec. 22-38. Removal of items; climbing on or damaging.

No person(s) may remove any item from any receptacle, climb on or into, or damage any receptacle provided by the county for the management of solid waste and/or recyclables without the express permission of the director of general services and/or his/her authorized representative.

(Ord. of 12-15-2008, § 18)

Sec. 22-39. Use of private solid waste collector.

Any person(s) owning or occupying premises within the territorial jurisdiction of this article may contract for the collection of solid waste generated on or within such person's premises with any private solid waste collector that has been issued a license for such activity by the department of general services according to article VIII of this chapter.

(Ord. of 12-15-2008, § 19)

Sec. 22-40. Use of private collector will not provide relief from compliance.

The use of private collectors will not relieve any person(s) from compliance with this chapter.

(Ord. of 12-15-2008, § 20)

Secs. 22-41—22-50. Reserved.

ARTICLE IV. RECYCLING

Sec. 22-51. Recycling required.

(a) All persons generating solid waste on any residential, commercial, industrial or institutional premises within the territorial jurisdiction of this chapter shall separate recyclable material from said solid waste and make them available for recycling as required in section 22-52. Nothing in this article is intended to prevent any person(s) from donating or selling recyclable materials to any other person(s).

(b) Recyclable materials shall be separated from other solid waste and made available for recycling. Recyclable material shall not be mixed with or disposed of with other solid wastes.

(Ord. of 12-15-2008, § 21)

Sec. 22-52. Designation of recyclable materials.

The director of general services is hereby authorized to designate certain items as recyclable materials. Said materials shall be subject to mandatory recycling provisions affecting the storage, recovery and disposal thereof as more specifically provided in this chapter.

(Ord. of 12-15-2008, § 22)

Sec. 22-53. Ownership of recyclable materials.

(a) After recyclable material has been placed in the designated container at the collection facility designated by the county or its authorized agent, the recyclable material shall become the property of the county or its designated agent.

(b) No persons other than a county employee or the county's authorized agent may remove recyclable material from any county collection facility.

(Ord. of 12-15-2008, § 23)

Sec. 22-54. Amendments to recycling regulations.

The director of general services is hereby authorized to promulgate and, from time to time, amend the recycling regulations, subject to the approval of the board of commissioners. Said amendments shall include, but not be limited to, regulations relating to the separation, preparation, placement and collection of recyclable materials.

(Ord. of 12-15-2008, § 24)

Secs. 22-55—22-64. Reserved.

ARTICLE V. TRANSPORTATION OF SOLID WASTE

Sec. 22-65. Transportation.

No person(s) shall transport solid waste or recyclable materials in any vehicle or container unless said waste or materials are covered or prepared in a

manner that prevents any solid waste or recyclable materials from leaving said vehicle or container in which it is being transported.
(Ord. of 12-15-2008, § 25)

Secs. 22-66—22-75. Reserved.

ARTICLE VI. DISPOSAL OF SOLID WASTE

Sec. 22-76. Methods of solid waste disposal.

Solid waste shall be disposed of in one of the following ways:

- (1) In a landfill or transfer station approved by the department;
- (2) In an incinerator that has all required local, state and federal control permits;
- (3) In a solid waste collection facility established by the county; or
- (4) By any other method, including recycling and resource recovery, that has been approved by the department.

(Ord. of 12-15-2008, § 26)

Sec. 22-77. Private solid waste disposal sites.

(a) No person(s) shall establish a private solid waste disposal site in the county unless said person has obtained authority from the State of North Carolina following approval by the board of commissioners.

(b) Applications for such approval, identifying the proposed location and function of the site, shall be submitted in writing to the department of general services, which shall review the application in coordination with other appropriate departments of the county and submit recommendations for approval or disapproval to the board of commissioners.

(c) All approved private solid waste disposal sites shall be subject to the provisions of this chapter and rules promulgated by the director of general services specifically applicable to said sites.
(Ord. of 12-15-2008, § 27)

Sec. 22-78. Dumping on or along streets and highways.

No person(s) may discard, dispose, leave or dump any solid waste or recyclable material on or along any street or highway or on public or private property unless such solid waste and/or recyclable material is placed in a receptacle or at a location designated for the deposit of solid waste or recyclable materials.
(Ord. of 12-15-2008, § 28)

Sec. 22-79. Construction and demolition waste.

Construction and demolition waste must be disposed of at the county construction and demolition debris landfill according to article VII or at other sites approved and permitted by the North Carolina Department of Environment and Natural Resources.
(Ord. of 12-15-2008, § 29)

Sec. 22-70. Medical, hazardous and radioactive waste disposal.

Regulated medical, hazardous and radioactive waste must be disposed of according to written procedures approved by the North Carolina Department of Environment and Natural Resources.
(Ord. of 12-15-2008, § 30)

Sec. 22-71. Sharps disposal.

All sharps shall be packaged in a sealed container that is rigid, leak proof when in an upright position and puncture resistant. The package then may be disposed of with general solid waste.
(Ord. of 12-15-2008, § 31)

Sec. 22-72. Open burning of solid waste.

Open burning of solid waste and/or recyclable materials is prohibited.
(Ord. of 12-15-2008, § 32)

Secs. 22-83—22-92. Reserved.

ARTICLE VII. CONSTRUCTION AND DEMOLITION LANDFILL

Sec. 22-93. Use of construction and demolition landfill.

The county construction and demolition landfill may be used for the disposal of construction and

demolition waste generated within Lee County, including the City of Sanford and the Town of Broadway.

(Ord. of 12-15-2008, § 33)

Sec. 22-94. Hours of operation.

The landfill will be open during business hours as established by the board of commissioners. In emergencies, the landfill may be open for additional hours as directed by the county manager or the manager's designated representative.

(Ord. of 12-15-2008, § 34)

Sec. 22-95. Procedure of disposal.

Construction and demolition waste shall be disposed of at the landfill in the manner and according to procedures established by the director of general services and in keeping with the conditions of the operating permit as issued by the North Carolina Department of Environment and Natural Resources.

(Ord. of 12-15-2008, § 35)

Sec. 22-96. Prohibited disposal.

The following waste may not be disposed of in the county landfill:

- (1) Burning or smoldering materials, or any other materials that would create a fire hazard;
- (2) Municipal solid waste;
- (3) Hazardous waste;
- (4) Liquid waste;
- (5) Lead-acid batteries;
- (6) Medical wastes;
- (7) Radioactive waste;
- (8) White goods;
- (9) Yard waste; or
- (10) Recyclable material as specified by the director of general services according to article IV.

(Ord. of 12-15-2008, § 36)

Sec. 22-97. Disposal of tires.

Tires may not be disposed of except where indicated by authorized employees of the landfill or by official signs.

(Ord. of 12-15-2008, § 37)

Sec. 22-98. Deposits to be directed as to location.

No person may deposit material at any point in the landfill except where indicated by authorized employees of the county or by official signs.

(Ord. of 12-15-2008, § 38)

Sec. 22-99. Removal of articles.

No person may loiter or rummage about the landfill to remove articles therefrom without the express consent of the director of general services or his/her authorized representative.

(Ord. of 12-15-2008, § 39)

Sec. 22-100. Discharge of firearms, fireworks or explosives.

No person may discharge firearms, fireworks or explosives on landfill property.

(Ord. of 12-15-2008, § 40)

Sec. 22-101. Speed of vehicles.

The maximum allowable speed of vehicles on the landfill property is 15 miles per hour.

(Ord. of 12-15-2008, § 41)

Secs. 22-102—22-111. Reserved.

ARTICLE VIII. SOLID WASTE COLLECTORS

Sec. 22-112. Required.

No person shall engage in the business as a solid waste or recyclable collector except under license issued by the county pursuant to this article.

(Ord. of 12-15-2008, § 42)

Sec. 22-113. Application; contents.

Applications for licenses to engage in the business of collecting solid waste and/or recyclables shall be filed with the office of the director of general

services for the county on forms approved by said director of general services. 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 the ownership interests;
- (2) A list of the equipment possessed, available or to be obtained by the applicant, including motor vehicle license plate numbers;
- (3) Number of employees the applicant expects to use in the business;
- (4) Experience of the applicant in solid waste collection;
- (5) Balance sheet or equivalent financial statement as of the close of the applicant's last business year, showing the net worth of the business;
- (6) Planned routes and areas of the county the applicant expects to serve;
- (7) Schedule of fees the applicant expects to charge;
- (8) Evidence of liability insurance coverage; and
- (9) Name and location of the facility where collected waste is to be disposed.

(Ord. of 12-15-2008, § 43)

Sec. 22-114. Inspection of facilities and equipment.

Before issuing a license pursuant to this article the director of general services or his/her authorized representative shall inspect or cause to be inspected all facilities and equipment the applicant plans to use in the solid waste/recyclable collection business.

(Ord. of 12-15-2008, § 44)

Sec. 22-115. Vehicles and containers.

(a) Vehicles and containers used for the collection and transportation of solid waste and/or recyclable materials shall be covered, leak proof, durable, and easily cleaned. They shall be cleaned as often as necessary to prevent nuisance and insect breeding and shall be maintained in good repair. Vehicles

shall display the license sticker issued by the director of general services or his/her authorized representative.

(b) Vehicles and containers used for the collection and transportation of solid waste and/or recyclable material shall be loaded and moved in such a manner that the contents will not fall, leak, or spill, and shall be covered to prevent the blowing of materials. If spillage or leakage should occur, materials shall be recovered immediately by the licensee and returned to the vehicle or container, and the area properly cleaned.

(Ord. of 12-15-2008, § 45)

Sec. 22-116. Issuance; denial; validity.

(a) The director of general services or his/her authorized representative may issue the applicant a license only when he/she finds the applicant's facilities, equipment and proposed operating methods are in compliance with this article and applicable rules of the department and that the applicant will perform solid waste/recyclable collection in an efficient and sanitary manner. A condition of the license shall be that the licensee shall serve every person who contracts with him/her for solid waste/recyclable collection in such a manner that the licensee does not cause the person to be in violation of this article.

(b) If the director of general services or his/her authorized representative denies an applicant a license, the applicant may appeal said decision to the county manager by giving written notice of appeal to the county manager within ten calendar days of receipt of the director of general services or his/her authorized representative's decision. The county manager shall conduct a hearing within 30 calendar days of receipt of the notice of appeal. The county manager shall keep summary minutes of the hearing and, within seven calendar days after the hearing, shall give the applicant written notice of his/her decision either granting the license or affirming the denial of the license. The applicant may appeal the county manager's decision to the board of commissioners by giving written notice of appeal to the county manager within ten calendar days of receipt of the director of general services or his/her authorized representative's decision following the hearing. The board of commissioners shall conduct a hearing within 30 calendar days after receipt of the notice of

appeal. The board of commissioners shall render a decision within 15 calendar days following the hearing and shall either affirm the denial or direct the director of general services or his/her authorized representative to issue the license.

(c) A license shall be valid for a period of one year from the date of issuance.
(Ord. of 12-15-2008, § 46)

Sec. 22-117. Quarterly report.

A licensee shall submit a quarterly report to the director of general services or his/her authorized representative containing the following information:

- (1) Number of customers added or deleted to include name and address of such customer;
- (2) Changes in routes;
- (3) New and replacement equipment;
- (4) Tonnage of waste and/or recyclables collected during period; and
- (5) Any other information requested by the director of general services or his/her authorized representative and pertinent to the solid waste/recyclable collection business.

(Ord. of 12-15-2008, § 47)

Sec. 22-118. Revocation; reinstatement; appeals.

When the director of general services or his/her authorized representative finds that a licensee has violated this article or the conditions of the license, the director of general services or his/her authorized representative shall give the licensee written notice of the violation and inform him/her that if another violation occurs within 30 days, or in the case of a continuing violation, if it is not corrected within ten days, the license will be revoked. If another violation occurs within the 30-day period, or, if the continuing violation is not corrected within ten days, the director of general services or his/her authorized representative shall give notice that the license is revoked. Upon receipt of the notice of revocation, the licensee shall stop collecting, transporting or disposing of solid waste/recyclables. The director of general services or his/her authorized representative may reinstate a revoked license after the revocation has been

in effect for 30 days if he/she finds that the conditions causing the violation have been corrected. A licensee whose license has been revoked may appeal the revocation to the board of commissioners by giving written notice of appeal to the county manager within ten days of receiving notice of revocation from the director of general services or his/her authorized representative. After a hearing on the appeal, the board shall either affirm the revocation or direct the director of general services or his/her authorized representative to reinstate the license.
(Ord. of 12-15-2008, § 48)

Sec. 22-119. Assignability.

No license pursuant to this article shall be assignable.
(Ord. of 12-15-2008, § 49)

Secs. 22-120—22-129. Reserved.

ARTICLE IX. FRANCHISING SOLID WASTE COLLECTORS

DIVISION 1. GENERALLY

Sec. 22-130. Required to collect, transport and dispose of solid waste.

No person may engage in the business of solid waste collector unless he holds a franchise issued by the board of commissioners authorizing him/her to collect, transport and dispose of solid waste, and describing the area for which the franchise is issued.
(Ord. of 12-15-2008, § 50)

Sec. 22-131. License required as preliminary qualification.

No person(s) may be issued a franchise by the board of commissioners unless he/she holds a license to engage in the business of solid waste collector issued by the director of general services or his/her authorized representative.
(Ord. of 12-15-2008, § 51)

Sec. 22-132. Application.

Applications for franchises shall be filed with the board of commissioners, through the county manager, on forms prescribed by the county manager,

and shall include a copy of the applicant's license application to the director of general services and any other information that the board of commissioners deems pertinent.

(Ord. of 12-15-2008, § 52)

Sec. 22-133. Conditions for granting.

The board of commissioners may grant a franchise only upon finding that the applicant will render prompt, efficient and continuing service to the area for which the franchise is granted and that the applicant has sufficient equipment and personnel to render service to all persons generating solid waste within the service area.

(Ord. of 12-15-2008, § 53)

Sec. 22-134. Determination of franchise area.

The board of commissioners shall determine the area for which a franchise is granted.

(Ord. of 12-15-2008, § 54)

Sec. 22-135. Fees.

The board of commissioners shall set or approve all fees charged by solid waste collectors before granting a franchise. The board of commissioners may classify fees according to whether residential, commercial, institutional or industrial customers are served, so that reasonable compensation may be provided in accordance with the public interest. Fee schedules may be amended by the board of commissioners from time to time.

(Ord. of 12-15-2008, § 55)

Sec. 22-136. Term; renewal.

A franchise shall be for a term of four years and shall be renewable.

(Ord. of 12-15-2008, § 56)

Sec. 22-137. Schedule of fees to be presented to customer in advance; removal frequency.

A solid waste collector franchised under this article shall present to each prospective customer, in advance of any agreement with that customer, a schedule of his/her fees as authorized by this article to be charged. All solid waste shall be removed from

the customer's premises at least once a week, provided the customer is no more than 30 days in arrears in payment of the required collection fees.

(Ord. of 12-15-2008, § 57)

Sec. 22-138. Temporary franchises.

The board of commissioners may grant temporary franchises for the collection, transportation or disposal of solid waste to provide service in the event of abandonment of an existing franchise, or for other cause.

(Ord. of 12-15-2008, § 58)

Sec. 22-139. Nonexclusive franchises.

Notwithstanding any other provision of this article to the contrary, the board of commissioners may grant nonexclusive franchises for the collection of commercial, industrial, institutional and construction and demolition waste throughout the county.

(Ord. of 12-15-2008, § 59)

Sec. 22-140. Disputes and disagreements.

All disputes regarding the granting of a franchise and disagreements concerning franchise areas shall be determined by the board of commissioners.

(Ord. of 12-15-2008, § 60)

Sec. 22-141. Assignability.

No franchise shall be assignability.

(Ord. of 12-15-2008, § 61)

Sec. 22-142. Notice to be given by grantee prior to abandoning.

A solid waste collector granted a franchise under this article shall give 30 days' written notice to the board of commissioners before abandoning the franchise.

(Ord. of 12-15-2008, § 62)

Sec. 22-143. Termination or suspension.

The board of commissioners may terminate or suspend all or any portion of a franchise for any of the following reasons:

- (1) Loss of the franchisee's license to operate as a solid waste collector;

- (2) Failure of the franchise to comply with the authorized fee schedule;
 - (3) Failure of the franchisee to render prompt and effective service to persons within his/her service area; or
 - (4) Failure of the franchisee to comply with any provisions of this article, or applicable rules of the department.
- (Ord. of 12-15-2008, § 63)

DIVISION 2. FRANCHISE FOR A LCID LANDFILL

Sec. 22-144. Grant of franchise.

For and in consideration of the covenants and agreements of the grantees herein contained, and as stipulated in their application and related documents, the payment of the annual application fee to the grantor, grantor hereby gives and grants to grantees a franchise and the right to develop, operate, and maintain one landfill of less than two acres in size for the land disposal of land clearing waste and inert debris at a site on property located at 1879 Pickard Road and depicted on the map attached hereto, marked as Exhibit "A" and by this reference made a part hereof. This grant is limited by and conditioned on the further terms and conditions of this agreement and those of the ordinance authorizing the franchise.

(Ord. of 8-17-2009, art. 1, § 1)

Editor's note—Exhibit A to of 8-17-2009 is not printed herein, but is on file and available for reference in the offices of the county.

Sec. 22-145. Compliance with laws.

For and in consideration of the franchise granted by grantor to grantees, grantees expressly contracts, stipulates, and agrees that they are solely responsible for the acquisition of the necessary equipment and facilities to operate said LCID landfill and at its own expense to maintain and operate said LCID landfill in conformity with the application filed, the terms of this franchise and the laws, ordinances, rules and regulations of the County of Lee and the State of North Carolina which are applicable.

(Ord. of 8-17-2009, art. 1, § 2)

Sec. 22-146. Rates.

Grantees shall render reasonably acceptable service at a reasonable price. It is further understood and stipulated that the Lee County Board of Commissioners, in the case a controversy should arise as to the reasonable acceptable service and price, reserves the right to determine this issue, but under no circumstances shall the price be less than the prevailing price or the average thereof for like services rendered in adjoining counties in the State of North Carolina.

The initial rates approved by the board of commissioners are as follows:

<i>LOAD</i>	<i>NOT MORE THAN</i>
Pickup Truck	\$15.00
Single Axle	35.00
Tri Axle	55.00
Quad or Trailer	65.00

The annual application fee is set at \$500.00.
(Ord. of 8-17-2009, art. 1, § 3)

Sec. 22-147. Landfill must be open to public.

Grantees' landfill shall be open to the public by the person, firm, or corporation paying to grantees a fee in accord with the then approved rate for a load of acceptable land clearing waste and inert debris.

(Ord. of 8-17-2009, art. 1, § 4)

Sec. 22-148. Term and exclusiveness of franchise.

So long as the ownership of the site and the operation of the landfill is solely in the title and control of Michael W. Barbour, Johnny B. Knight and Northwest Pocket, LCID, LLC, the LCID landfill of less than two acres franchise herein shall be the only landfill of that nature and size to be franchised in the portion of Lee County which lies west of the right-of-way of U.S. Highway No. 1 as it presently exists, for a term which shall end at the first happening of one of the following events:

- (1) Until the landfill is filled to the capacity specified in the application for this franchise.

- (2) Until some official of the State of North Carolina with regulatory authority with respect to landfill issues an order requiring the closing of the landfill.
- (3) Until the Superintendent of Solid Waste of Lee County issues a notice to close the landfill and cease operations.
- (4) If the landfill is closed and not open to the public for 30 continuous days.
- (5) If the annual application fee is not paid within ten days following the due date thereof.
- (6) The lapse of ten years from the date of this franchise agreement.

The foregoing conditions and the first to occur shall terminate the franchise in its entirety. The following relate to the exclusive nature of the franchise:

Grantees understand and agree that the grant of exclusive rights in connection with this franchise is personal to the individuals and limited liability company who are the grantees and if individually or collectively one or more or all of the grantees should sell, assign, transfer, convey or otherwise alienate, whether voluntarily or involuntarily or by operation of law (other than the exceptions set out below) the site of the landfill or any part thereof, any interest in the franchise or the limited liability company named as one of the grantees, then the grantor, at its own option, may declare the exclusive nature of the franchise to be terminated and no long applicable to this franchise. In other words the right to operate the landfill will continue but the right to be the only LCID landfill of less than two acres in the portion of Lee County which lies west of the right-of-way of U.S. Highway No. 1 could be lost at the option of the county acting by and through its board of commissioners.

The following transactions are exempted from the forgoing limitations:

- (1) Any transaction which is submitted to the board in writing prior to its execution and which is approved by a majority vote of the board and which is then executed in strict compliance with the terms of approval.
- (2) A transfer by devise, descent, or operation of law.

(Ord. of 8-17-2009, art. 1, § 5)

Secs. 22-149—22-153. Reserved.

ARTICLE X. LITTERING AND UNAUTHORIZED DUMPING

Sec. 22-154. Prohibited.

The storage, collection and disposal of solid waste and/or recyclable materials within the territorial jurisdiction of this chapter in a manner not permitted by this chapter are prohibited. A violation of this section shall subject the offender to criminal prosecution, assessment of a civil penalty or other legal action as set forth in this chapter.
(Ord. of 12-15-2008, § 64)

Sec. 22-155. Littering prohibited.

Littering as defined herein, within the territorial jurisdiction of this chapter is prohibited. A violation of this section shall subject the offender to criminal prosecution, assessment of a civil penalty or other legal action as set forth in this chapter.
(Ord. of 12-15-2008, § 65)

Sec. 22-156. Illegal disposal sites.

(a) No person shall place or solicit or knowingly permit the placing of solid waste and/or recyclable materials on property which such person owns or leases, unless said solid waste and/or recyclable materials are generated on said premises and stored as provided in this chapter or unless said property has been approved as a disposal site pursuant to this chapter and the laws and regulations of the State of North Carolina. A violation of this section shall subject the offender to criminal prosecution, assessment of a civil penalty or other legal action as set forth in this chapter.

(b) Pursuant to the provisions of G.S. 153A-140, the unlawful storage, accumulation or presence of solid waste and/or recyclable materials on public or private property in the territorial jurisdiction of this chapter in an amount exceeding 50 pounds or 100 cubic feet is hereby ordained and declared, subject to the limitations set forth in G.S. Chapter 106, Article 57, to be a public nuisance. Such public nuisances shall be abated as provided in article X of this chapter.

(Ord. of 12-15-2008, § 66)

Sec. 22-157. Illegal dumping.

If any solid waste and/or recyclable material disposed of in violation of this chapter can be identified as having last belonged to, been in the possession of, sent to or received by or to have been the property of any person prior to being disposed of, said identification shall be presumed to be prime facie evidence that such person disposed of or caused to be disposed of said solid waste and/or recyclable material in violation of this chapter.
(Ord. of 12-15-2008, § 67)

Secs. 22-158—22-167. Reserved.

**ARTICLE XI. ADMINISTRATION AND
ENFORCEMENT**

Sec. 22-168. Responsibility for administration and enforcement.

The solid waste division of the department of general services shall be responsible for the administration and enforcement of the provisions of this chapter.
(Ord. of 12-15-2008, § 68)

Sec. 22-169. Civil penalty citations.

(a) The director of general services or his/her authorized representative shall be authorized as public officials to investigate violations of this chapter and, upon a determination that such a violation has occurred, issue civil penalty citations. The director of general services shall promulgate written procedures for investigating violations, issuing citations and collecting penalties.

(b) The sheriff, director of general services or their designated representative are hereby empowered to issue civil citations upon the observance of a violation of this chapter. It is the intent of this chapter that each person is responsible for the proper management of his/her own waste and is responsible for all acts involving vehicles and equipment owned by him/her.
(Ord. of 12-15-2008, § 69)

Sec. 22-170. Penalties for violation of this chapter.

(a) *Criminal penalty.* Any person violating this article shall be guilty of a misdemeanor, punishable by a fine not to exceed \$500.00 or imprisonment for not more than 30 days, or both as specified by G.S. 14.4. Each day's violation shall be treated as a separate offense.

(b) *Civil penalty.* A violation of this chapter shall subject the offender to the assessment of a civil penalty not to exceed \$500.00 as provided in G.S. 153A-123. Penalties assessed shall be recovered by the county in a civil action in the nature of debt if the offender does not pay the civil penalty within 30 days after the offender has been cited for the violation. Each day's violation shall constitute a separate offense.

(c) *Remedies.* This article may be enforced by equitable remedies, and any unlawful condition existing or in violation of this article may be enforced by injunction and order of abatement in accordance with G.S. 153A-123.
(Ord. of 12-15-2008, § 70)