

ORDINANCE NO. 50

Perquimans County Ordinance for the Management of Solid Waste

Section I. Purpose and Statutory Authority

The purpose of this ordinance is to regulate the storage, collection, and disposal of solid waste in Perquimans County. This ordinance is adopted pursuant to the authority contained in G. S. 153A-121, -132.1, -136, -274 through -278 and -291 through -293, and 130A-309.09, -309.09A, -309.09B and -309.09D and 130A-309.10. Unless otherwise indicated, the ordinance applies to both publicly owned and privately owned municipal solid waste management facilities located in Perquimans County.

Section II. Definitions

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

- A) Banned materials: Any material for which disposal in a landfill or solid waste transfer station is restricted or forbidden by local ordinance, state, or federal laws, rules, or regulations.
- B) Board: Members of the Perquimans County Board of Commissioners.
- C) Bulky waste: Large items of solid waste such as furnishings and other oversize waste whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.
- D) Collection: The act of removing solid waste or materials that have been separated for recycling to a transfer station, processing facility, or disposal facility.
- E) Commercial solid waste: All types of solid waste generated by stores, offices, restaurants, maintenance and lawn service providers, warehouses, institutions, construction sites and other non-manufacturing activities, excluding residential and industrial waste.
- F) Construction and demolition debris: 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 used asphalt mixed with dirt, sand, gravel, rock, concrete, or similar non-hazardous material.
- G) Convenience center: A facility that is owned, leased, or operated by the County or its agent to which Perquimans County residents or non-resident property owners may bring solid waste and recyclables.
- H) Corrugated cardboard: Double or triple walled corrugated paper box material.
- I) Department: The North Carolina Department of Environment and Natural Resources.
- J) Disposal: The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- K) Garbage: All putrescible waste, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.
- L) Hazardous waste: Solid waste, or a combination of solid wastes, that because of its quantity, concentration or physical, chemical or infectious characteristic 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.
- M) Illegal dumping: The disposal of ashes, construction or demolition debris, garbage, junk, manure, miscellaneous material, refuse, trash or other waste from one or more sources at a disposal site, lot, or parcel of real estate that is not permitted to receive such waste.

- N) Incineration: The process of burning solid, semi-solid, or gaseous combustible wastes to an inoffensive gas and a residue containing little or no combustible material.
- O) Industrial solid waste: Solid waste generated by manufacturing or industrial processes that is not hazardous waste.
- P) Inert debris: Solid waste that consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal. This definition includes untreated wood, cement, brick, block, stone, clean dirt, and asphalt.
- Q) Institutional solid waste: Solid waste generated by educational, health care, correctional, and other institutional facilities.
- R) Junk Dealer: Any person operating a business that recycles or sells used items that it has acquired. This dealer must have valid N. C. Department of Revenue tax number and necessary state and local licenses and permits.
- S) Landfill: 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 long-term storage facility or a surface storage facility.
- T) Material for beneficial use: Inert debris that may be accepted in a solid waste facility for use on the property for road or for landfill maintenance.
- U) Medical waste: Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, or in research pertaining thereto, or in the production or testing of biological material, but does not include any hazardous waste, radioactive waste, household waste as defined in 40 C.F.R. 261.4(b)(1), or those substances excluded from the definition of "solid waste" in this ordinance.
- V) Municipal solid waste: 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, or industrial solid 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.
- W) Municipal solid waste management facility: Any publicly or privately owned solid waste management facility permitted by the Department that receives municipal solid waste for processing, treatment, or disposal.
- X) Operator: means any person, including the owner, who is principally engaged in, and is in charge of, the actual operation, supervision, and maintenance of a solid waste management facility and includes the person in charge of a shift or periods of operation during any part of the day.
- Y) Pathological waste: 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, 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.
- Z) Perquimans Chowan Gates (PCG) Landfill: A municipal solid waste management facility in Belvidere, Perquimans County, owned and operated jointly by Perquimans, Chowan, and Gates Counties for storage, disposal, processing, and transfer of waste and recyclables.
- AA) Person: Any individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.
- BB) Processing: Any technique designed to change the physical, chemical, or biological character or composition of solid waste to render it safe to transport, amenable to recovery, storage, or recycling, safe for disposal or reduced in volume or concentration.
- CC) Putrescible: Solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal, and animal carcasses.
- DD) Radioactive waste: Waste containing any material, whether solid, liquid, or gas, that emits ionizing radiation spontaneously.

- EE) Recyclable material: Those materials that are capable of being recycled in community programs and that would otherwise be processed or disposed of as solid waste.
- FF) Recycling: The process by which solid waste or recovered materials are collected, separated, or processed, and reused or returned to use in the form of raw materials or products.
- GG) Refuse: Solid waste, other than garbage or ashes, from residences, commercial establishments, and institutions. This includes, but is not limited to, lumber, pallets, boxes, barrels, bottles, cans, tires, paper, cardboard, rags, old furniture and other bulky waste, scrap metal and white goods.
- HH) Regulated medical waste: Blood and body fluids in individual containers in volumes greater than 20 mil., microbiological waste, and pathological wastes that have not been treated pursuant to rules promulgated by the Department.
- II) Resource recovery: 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.
- JJ) Sanitary landfill: 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. Ch. 130A., Article 9.
- KK) Scrap tire: A tire that is no longer suitable for its original, intended purpose because of wear, damage, or defect.
- LL) Septage: Solid waste that is a fluid mixture of untreated and partially treated and partially treated sewage solids, liquids, and sludge of human or domestic origin that is removed from a septic tank system.
- MM) Sharps: Needles, syringes, and scalpel blades.
- NN) Site Attendant: Person who oversees the activities and operates the equipment at a county convenience site.
- OO) Sludge: 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.
- PP) Solid waste: Any hazardous or non-hazardous garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges 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, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. The term does not include:
1. Fecal wastes from fowls and animals other than humans;
 2. Solid or dissolved material in
 - a. Domestic sewage and sludges 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; and
 3. Wastewater discharges and the sludges 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 that meets the criteria for hazardous waste under RCRA shall also be a solid waste for purpose of this definition;
 4. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meets the criteria for hazardous waste under RCRA shall also be a solid waste for purposes of this definition;
 5. Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011);
 6. Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission. 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.

- QQ) Solid waste disposal site: A location at which solid waste is disposed of by incineration, sanitary landfill, or other approved method.
- RR) Solid waste hauler: Any person who transports solid waste or recyclables from any private or public property to any recycling or solid waste management facility including convenience centers, landfills, and transfer stations.
- SS) Solid waste management facility: Land, personnel and equipment used in the management of solid waste.
- TT) Solid waste receptacle: Container used for the temporary storage of solid waste.
- UU) Special Wastes: Solid wastes that can require special handling and management including white goods, yard waste, whole tires, Lead-acid batteries, used oil, and medical wastes.
- VV) Storm debris: All wastes including but not limited to debris, refuse, solid waste, and yard waste produced during tornadoes, hurricanes, floods, and other natural disasters.
- WW) Tire: A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G.S. 20-4.01(23).
- XX) Transfer station: A facility with mechanical equipment used for the collection or compaction of solid waste prior to the transportation of the waste for final disposal.
- YY) 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.
- ZZ) White goods: Inoperative and/or discarded refrigerators, ranges, water heaters, freezers, air conditioners, and other similar domestic and commercial large appliances.
- AAA) Yard waste: All biodegradable solid waste consisting solely of vegetative matter resulting from land clearing and landscaping maintenance.

Section III. Storage and Disposal

- A) 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 in a manner prescribed by this Ordinance.
- B) Solid Waste shall be stored to prevent the creation of a nuisance, unsanitary conditions, or potential public health hazards. Solid waste shall be stored only in a tightly closed solid waste receptacle that is durable, rust resistant, nonabsorbent, watertight, and easily cleaned, with a close-fitting, fly-tight cover in place. Each container shall be kept clean so that no odor or other nuisance condition exists. Multi-unit dwellings, commercial, industrial, and institutional facilities may store solid waste in dumpsters, trash compactors, or similar covered containers.
- C) Refuse shall be stored in a manner that will resist harborage to rodents and vermin and will not create a fire hazard. Useful materials such as firewood and building materials may be stored on the premises, provided they are stored in a safe manner at a reasonable height above ground.
- D) No owner, occupant, tenant, or lessee of a building or dwelling, other than a licensed junk dealer, may place, leave, or cause to be placed or left outside the building or dwelling any bulky waste for longer than 72 hours.
- E) No owner, occupant, tenant, or lessee of a building or dwelling may leave outside the building or dwelling, in a place accessible to children, any abandoned or unattended icebox, refrigerator, freezer, or other receptacle that has an airtight door without first removing the door.
- F) Solid waste shall be disposed of only in one of the following ways:
 - 1. In a solid waste transfer facility;
 - 2. In a solid waste management facility;
 - 3. In a solid waste disposal site approved by the Department;
 - 4. In an incinerator that has all required local, state, and federal control permits;

5. By any other method, including recycling or resource recovery that has been approved by the Department.
- G) In addition to the methods listed in Subsection G, above, solid waste may be disposed of in solid waste receptacles provided by the County, its agents, or those provided by agreement with private contractors.
 - H) Perquimans County shall allow disposal of commercial, residential, construction and demolition, industrial, and institutional solid waste, (other than those materials which it bans through this ordinance) only in the PCG Landfill (Solid Waste Management Facility), PCG Transfer Station, or at a landfill with which it has a current disposal contract, for as long as that contract is valid.
 - I) All persons, including solid waste haulers picking up solid wastes within Perquimans County and its municipalities shall be allowed to take properly separated scrap metals, white goods, yard waste, tires and solid wastes as allowed under this Ordinance to the PCG Landfill and PCG Transfer Station and shall pay fees as applicable for these wastes.
 - J) Illegal dumping is prohibited by this ordinance. No person may discard, dispose, leave, or dump any solid waste on or along any street or highway or on public or private property unless such solid waste is placed in a solid waste receptacle or at a location designated for the deposit of solid waste, as referred to in Felony Litter Statute S14-333(e), and more recent versions of this statute.
 - K) No open burning of solid waste is permitted.
 - L) Regulated medical waste, pathological waste, hazardous waste, and radioactive waste shall be disposed according to written procedures approved by the Department.
 - M) All sharps shall be placed in a sealed, puncture-proof container prior to disposal.
 - N) Scrap tires shall be stored in accordance with Department rules. Scrap tires generated within Perquimans County through the normal course of business, according to Department rules, should be taken to the Perquimans Chowan Gates Landfill (Solid Waste Management Facility) in Belvidere. Tires shall be placed in the designated area or in the designated trailer. Tires will not be accepted if they are filled with dirt. The County may provide alternate temporary or permanent collection sites or containers for tires.

Section IV. Rules for use of County Convenience Centers

- A) Convenience centers are equipped with containers for recyclable materials, solid waste, bulky items, yard waste, and other special wastes. The centers shall be used by Perquimans County residents and nonresident property owners only for the disposal of residentially generated solid waste and recyclables. Waste that is generated in areas outside the boundaries of the County and any of its municipalities is prohibited from disposal in County convenience centers. Solid waste shall be deposited in these containers only in accordance with the provisions of this Ordinance.
- B) No solid waste generated by commercial, industrial, or institutional activities, forestry, commercial landscaping maintenance, commercial tree removal and trimming, construction, demolition, or similar activities shall be disposed in convenience centers. However, a business may bring to a site a limit of two bags of trash per day. The County provides an exception for source separated recyclable materials prepared for recycling and deposited in the containers for recyclable materials.
- C) In addition to following this Ordinance, persons using these centers shall follow the verbal instructions received from the site attendants, County employees, Albemarle Regional Health Services employees, and signs at the center regarding the placement of the solid wastes and recyclable materials. Further clarification shall be found in County publications, NC State Laws, and/or Federal Laws.
- D) Certain solid wastes and materials are banned from disposal and may not be disposed at County convenience centers. These wastes include but are not limited to liquid wastes, burning or smoldering wastes, Lead-acid batteries,

hazardous wastes, pathological wastes, regulated medical wastes, sharps, except when enclosed in a sealed, puncture-resistant container and deposited in a solid waste disposal container, radioactive wastes, explosives, sludge, septage, animal carcasses, commercial, construction, demolition, industrial, and institutional wastes. Whole scrap tires are not normally accepted at the centers but shall be accepted at the PCG Landfill as directed in Section III. O, above.

- E) No solid waste or recyclable materials shall be left outside of the fence. No waste shall be placed on the ground inside the site except as directed by the site attendant.
- F) No person shall remove any item from a solid waste container, climb on or into a container, or damage any container.
- G) Solid waste haulers and other persons collecting solid waste and special wastes for a fee shall not be allowed to dispose of these wastes at the convenience centers, but must take the wastes to the PCG Landfill and PCG Transfer Station Facility.
- H) All persons shall adhere to verbal, posted, and printed rules governing the use of community swap shops that are located in the convenience centers.

Section V. Separation and Recycling

- A) The State of N. C. has banned certain materials from landfill and incinerator disposal. Each person who owns, leases, or manages a residence, residential unit, or place of business, industry, commerce, an institution or other place providing goods or services, is required to separate these materials from other solid waste generated: antifreeze, used oil, whole scrap tires, yard waste, Lead-acid batteries, Aluminum beverage cans, and white goods.
- B) All persons and solid waste haulers who do not separate these banned materials (listed in Section V. A) from other solid waste taken for disposal at the public convenience centers, the PCG Landfill, and the PCG Transfer Station shall be in violation of this ordinance.
- C) Solid waste haulers that contract to collect recyclables for a municipality, a neighborhood community, individuals, or commercial establishments shall make these materials available for recycling through processing or delivering to a market. These haulers shall not bring recyclable materials to the County convenience sites.
- D) Nothing in this Ordinance is intended to prevent any person from participating in municipal or private recycling programs or donating or selling recyclable or reusable materials to any other person.
- E) No person other than the Board's authorized agent may remove recyclable material or solid waste from a convenience center. After materials have been placed in a designated recycling or waste container at a convenience center, they shall become the property of the Board or its authorized agent.

Section VI. Enforcement

- A) Any person (s) that the Board designates shall be empowered to enforce this ordinance. These persons may include employees of Perquimans County and employees of Albemarle Regional Health Services.
- B) All persons and Solid waste collectors and haulers that do not separate certain banned and/or recyclable materials (as required in Sections V. A, B, and C, from solid waste to be disposed shall be subject to the penalties specified and may lose the privilege to use the PCG Landfill and PCG Transfer Station.
- C) The Board or its designees may inspect solid waste loads for compliance at any public convenience center, the PCG Landfill, or PCG Transfer Station.
- D) If any solid waste that is disposed within Perquimans County or at the PCG Landfill or PCG Transfer Station or in violation of this ordinance can be identified as having 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, such identification shall be prima facie evidence that such person

disposed of or caused to be disposed of such solid waste in violation of this Ordinance.

- E) Any person violating this ordinance shall be guilty of a misdemeanor punishable by a fine of not to exceed \$500 or imprisonment for not more than 30 days, or both. Each day's violation shall be treated as a separate offense.

Section VII. Severability

Should any section or provision of this ordinance be for any reason held void or invalid by a court of competent jurisdiction, it shall not affect the validity of any other section or provisions herein which is not itself void or invalid.

Section VIII. Repeal of Conflicting Ordinances

All ordinances and clauses of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section IX. Effective Date

This ordinance shall be effective immediately upon its adoption.

Duly adopted by the Board of Commissioners of Perquimans County, North Carolina, this the 3rd day of January, 2005.

Benjamin C. Hobbs
Benjamin C. Hobbs, Chairman
Perquimans County Board of Commissioners

ATTEST:

(SEAL)

Mary P. Hunnicutt
Mary P. Hunnicutt, Clerk to the Board
Perquimans County Board of Commissioners