

**SOLID WASTE MANAGEMENT ORDINANCE
FRANKLIN COUNTY, NORTH CAROLINA JANUARY 1, 2016**

ARTICLE I - TITLE

This ordinance shall be known and may be cited as the Solid Waste Management Ordinance of Franklin County, North Carolina.

ARTICLE II - PREAMBLE

WHEREAS, the Franklin County Board of Commissioners is authorized by the General Statutes of the State of North Carolina to enact an ordinance regulating solid waste collection, storage, transportation, and disposal as well as management of recycled items within Franklin County.

NOW, THEREFORE, BE IT ORDAINED that the following regulations shall apply to Franklin County, North Carolina.

ARTICLE III - PURPOSE

The purpose of this ordinance is to promote the public safety, health, and welfare of the citizens of Franklin County by regulating the management of solid waste and recycling in Franklin County.

ARTICLE IV - AUTHORITY

Pursuant to North Carolina General Statute's 153A-121 and 153A-136, Franklin County hereby exercises its authority to enact these regulations.

ARTICLE V - JURISDICTION

On and after the effective date of this ordinance, the collection, transportation, and disposal of solid waste and recycled items within Franklin County, North Carolina shall be governed by the provisions of this ordinance.

ARTICLE VI – DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Appliances mean stoves, refrigerators, freezers, washers, dryers or any other similar items. These items are normally called white goods.

Batteries mean car batteries, truck batteries, golf cart batteries, and other lead acid batteries.

Bulky waste means large items of solid waste such as furniture, mattress, television, and other oversize waste 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 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.

Commercial solid waste means solid generated by stores, offices, restaurants, warehouses and other non-manufacturing activities, excluding residential, industrial and institutional wastes.

Commercial town waste means residential waste picked up door to door in the towns.

Contractor means any person or business that provides a service for a payment for that service.

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

Department means the state department of environment, health and natural resources.

Division means the state division of solid waste management.

Garbage means all putrescible wastes, including animal offal and carcasses, and recognizable industrial byproducts, but excluding sewage and human waste.

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

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

Illegal Burning means any burning activity of any material other than the wood or plant material from land clearing or yard waste which may otherwise be lawful to burn under County Ordinance or State Law.

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

Industrial solid waste means solid waste generated by manufacturing or industrial processes that is not hazardous waste regulated under subtitle C of CERCLA. Such waste may include but is not limited to waste resulting from the following manufacturing processes:

- (1) Electric power generation;
- (2) Fertilizer/agricultural chemicals;
- (3) Food and related products/byproducts;
- (4) Inorganic chemicals;
- (5) Iron and steel manufacturing;
- (6) Leather and leather products;
- (7) Nonferrous metals manufacturing/foundries;
- (8) Organic chemicals;
- (9) Plastics and resins manufacturing;
- (10) Pulp and paper industry;
- (11) Rubber and miscellaneous plastic products;
- (12) Stone, glass, clay and concrete products;
- (13) Textile manufacturing;
- (14) Transportation equipment; and
- (15) Waste treatment.

This term does not include mining waste or oil and gas waste.

Inert debris means solid waste that consists solely of material that is virtually inert, such as brick, concrete, rock and clean soil.

Infectious waste means a solid waste capable of producing an infectious disease. The types of waste designated as infectious are microbiological waste, pathological waste, blood products and sharps.

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

Land clearing inert debris means solid waste that is generated solely from land clearing activities such as stumps, trees, but can include brick, concrete, asphalt, etc.

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

Litter means any house garbage, construction material, industrial waste, commercial waste, beverage containers, snack wrappers, fast food containers and wraps, recyclable material that falls from any vehicle or falls from an animal or human powered vehicle, and is deposited on a private or state maintained roadway, or that gets deposited in any waterway, and on private or public land.

Medical waste means any solid waste that is generated in the diagnosis, treatment or immunization of human beings or animals, in pertinent research, or in the production or testing of biologicals, but does not include any hazardous waste, radioactive waste, household waste as defined in 40 CFR 261.4(b)(1), or those substances excluded from the definition of “solid waste” in this section.

Municipal solid waste landfill unit means an area of land or an excavation that is permitted to receive residential, commercial or industrial solid waste or a combination of such wastes, and is not a land application unit, surface impoundment, injection well or waste pile, as defined under 40 CFR 257. Such a landfill may be publicly or privately owned. A MSWLF unit may also be permitted to receive other types of non-hazardous solid waste. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit or a lateral expansion.

Open burning means the combustion of solid waste without:

- (1) Control of combustion air to maintain adequate temperature for efficient combustion;
- (2) Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
- (3) Control of the emission of the combustion products.

Open dump means a solid waste disposal site that does not have a permit and/or does not comply with the rules set forth in this article.

Pallet waste means all clean scrap lumber, skids, or pallets. No painted wood, treated wood, plywood, or press-wood will be accepted.

Pathological wastes means human tissues, organs, body parts, secretions and excretions, blood and body fluids that are removed during surgery and autopsies, and the carcasses and body parts of any animals that were exposed to pathogens that are potentially dangerous to humans during research, were used in the production of biologicals or in vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.

Person means an individual, corporation, company, association, partnership, unit or local government, state agency, federal 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 wastes, offal and carcasses.

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

Recyclable aluminum means aluminum cans or pans, door, framing, or tubing.

Recyclable corrugated cardboard means cardboard that consists of two outer layers of linerboard with corrugating medium between the two outer layers of linerboard that is recyclable.

Recyclable glass means glass bottles or jars. Will accept all colors. Does not include window pane or auto glass.

Recyclable magazines mean any magazine with a slick finish on the cover and do not have newsprint pages on the inside.

Recyclable Newsprint means newspaper including all inserts that come with it.

Recyclable Plastic Bottles/Jugs means all plastic soda or milk containers. Does not include bowls, tray, covers, bags, etc. Does not include motor oil or antifreeze plastic containers.

Recyclable Steel Cans means all steel or tin food cans.

Recyclable Textiles means clothing including pants, shirts, coats, shoes, belts, etc.

Recycling means 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.

Refuse means solid waste, other than garbage or ashes, from residences, commercial establishments and institutions.

Regulated medical waste means blood and 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.

Residential waste means waste picked up from residents by private haulers.

Residential no charge means waste brought to the transfer station by Franklin County residents. Limited to bagged garbage, old furniture, and general household material, etc. This is limited to the house that the resident currently lives.

Resource recovery means the process 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 or energy generation.

Respondent means the person against whom an administrative penalty has been assessed.

Reuse means a process by which resources are reused or rendered usable.

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, intended 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 septic tank system.

Sharps means needles, syringes and scalpel blades.

Shingle Waste means all roofing waste including shingles, plywood and frame lumber from residential housing. Commercial roofing will be under construction and demolition waste.

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 effect.

Solid waste means 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 their treatment 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 residential and community activities. The term does not include a fecal waste from fowls and animals other than humans or solid or dissolved material in domestic sewage and sludges generated by their treatment in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters; irrigation return flows; and wastewater discharges and the incidental sludges and generated by their treatment which are point sources subject to permits granted under section 402 of the Federal Water Pollution Control Act as amended (PL 92-500), and permits granted under G.S. 143-215.1 by the environmental management commission; except that any sludges that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580) as amended shall also be a solid waste for the purpose of this definition; or oils and other liquid hydrocarbons controlled under G.S. 143-215.75 et seq; except that any such oils or other liquid hydrocarbons that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580) as amended shall also be a solid waste for the purposes of this article; any source special nuclear or byproduct material as defined by the Atomic Energy Act of 1954 as amended (42 USC 2011); or mining refuse covered by the North Carolina Mining Act, G.S. 74-46-74-68 and regulated by the state mining commission. However, any specific mining waste that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580) as amended shall also be a solid waste for the purposes of this definition.

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

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

Solid waste convenience center means any place owned, leased or operated by the county at which solid waste containers or recycling containers have been placed.

Solid waste manager means the county solid waste manager or his authorized representative.

Solid waste disposal site means a location at which solid waste is disposed of by incineration, sanitary landfill, transfer station or other approved method.

Solid waste management means purposeful, systematic control of the generation, storage, collection, transport, separation, treatment, processing, recycling, recovery and disposal of solid waste.

Solid waste management facility means land, personnel and equipment used in the management of solid waste.

Special wastes mean solid wastes that can require special handling and management, including white goods, whole tires, used oil, lead-acid batteries, and medical wastes.

Textiles mean clothing including shirts, pants, sweaters, jackets, shoes, belts etc. No under clothes. Can include blankets, sheets, and comforters.

Transfer station means a permanent structure with mechanical equipment used for the collection or compaction of solid waste prior to the transportation of solid waste for final disposal.

Tires mean any tire from an auto, truck, lawn mower, golf cart, etc.

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.

White goods means inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

Yard waste means solid waste consisting solely of vegetative matter resulting from landscaping maintenance, such as leaves, grass limbs, trimmings, etc.

ARTICLE VII – SOLID WASTE AVAILABILITY FEE

Section 1. Definition of Use.

The Solid Waste Availability Fee is charged to the residents, businesses, industries, and institutions of Franklin County to pay for the collection and disposal of solid waste from the twelve county convenience centers. The Solid Waste Availability Fee may be charged to all dwellings, businesses, industries, and institutions with an electrical hookup or meter.

Section 2. Solid Waste Availability Fee.

The Solid Waste Availability Fee is established yearly in the Franklin County Budget Ordinance and is a per electrical connection for each residence, business, industry, or institution. The Solid Waste Availability Fee may be adopted yearly by the Franklin County Board of Commissioners.

Section 3. Number of Electrical Connections.

There are 23000 residential electrical connections and 1400 business, industry or institution electrical connections that may be charged the Solid Waste Availability Fee. This number is established by the Franklin County Tax Office.

Section 4. Exemptions.

Exemptions include shops, barns, shelters, churches, and the elderly/disabled/veterans that qualify for the exemption (See the Franklin Tax Department definition).

Exemptions must be established by December 1 of each year. The exemption must be in writing and approved by the Franklin County Tax Collector.

ARTICLE VIII - USE OF THE FRANKLIN COUNTY SOLID WASTE TRANSFER STATION

Section 1. Authority of County Agents to Regulate Use

Revenues generated by landfill tipping fees, the solid waste availability fee, the sale of recycled products, and other miscellaneous revenues finance the solid waste transfer station. The purpose of these monies is to provide solid waste disposal services and recycling management services to all areas of Franklin County.

The purpose of the solid waste transfer station is to provide a solid waste disposal area for the county convenience centers, for household residents, the towns, private waste haulers, industry, business, contractors and other non-residential customers.

The solid waste transfer station provides an area to collect materials that is otherwise banned from solid waste disposal. This includes:

- (a) ABC Beverage Containers.
- (b) Aluminum Cans/Pans.
- (c) Antifreeze.
- (d) Corrugated Cardboard.
- (e) Lead Acid Batteries.
- (f) Motor Oil-used.
- (g) Motor Oil Filters.
- (h) Newspapers
- (i) Oyster Shells.
- (j) Plastic Bottles.
- (k) White Goods (appliances).
- (l) Whole Scrap Tires.
- (m) Wooden Pallets.
- (n) Yard Waste.

There is a beneficial fill dumping area at the solid waste transfer station. This area can accept brick, block, concrete, and asphalt. No painted material is accepted.

The operation of the Franklin County Solid Waste Transfer Station is regulated by the North Carolina Department of Environment and Natural Resources, Solid Waste Section, and the United States Environmental Protection Agency. Therefore, the Solid Waste Manager shall have the authority to determine what types of waste can be deposited at the solid waste transfer station in accordance with the most current county, state and federal rules and regulations governing such disposal.

Section 2. Hours of Operation

For all paying customers-Monday through Friday-7:00 AM to 3:30 PM.

Saturday-7:00 AM to 1:00 PM. Closed on Sunday.

For all residents with non-paying loads-Monday through Friday-7:00 AM to 3:30 PM.

Saturday-7:00 AM to 5:00 PM. Closed on Sunday.

Section 3. Tipping Fees

- Banned Materials-\$ 180.00-Any material identified as banned from waste disposal by county or law/rule
- Commercial Waste-\$60 per ton-includes business, industry, restaurants, etc.
- Commercial Town Waste-\$48 per ton-Residential waste from the municipalities.
- Construction and Demolition Waste-\$60 per ton-includes wood, paneling, sheet rock, plaster, insulation, wire scraps, other building scraps, etc. Franklin County residents (The resident is allowed this, not the contractor hauling construction material for the resident) will be allowed to dump 2000 pounds of construction material per year at no charge.

- Shingles Waste-\$60 per ton-includes all roofing lumber, plywood, and shingles. All contractors will pay this rate.
- Pallet Waste-\$ 40 per ton-includes all clean scrap lumber, skids, or pallets. No painted wood, treated wood, plywood, or press-wood will be accepted.
- Yard Waste-\$ 40 per ton-includes all parts of trees or shrubbery. No stumps will be accepted.
- Residential Waste-\$52 per ton-includes waste picked up from residents by private haulers.
- Out of County Waste-\$180 per ton-Waste brought by customers/businesses to the transfer station from outside of Franklin County. Includes everything they bring. This is waste that originates in another county.
- Corrugated Cardboard\Newspaper Penalty-\$180 per ton includes waste with corrugated cardboard or old newspapers (ref.Art.XII.c.viii.)
- Land Clearing Inert Debris Waste-\$20 per ton-includes brick, concrete, block, and asphalt.
- Residential No Charge-includes waste brought to the transfer station by Franklin County residents. Limited to bagged garbage, old furniture, and general household material, etc. This is limited to the house that the resident currently lives.
- Scrap Tire Waste-No Charge-includes old tires. No tires from outside of the county will be accepted.
- White Good Waste-No Charge-includes all old appliances. No white goods will be allowed from outside the county.
- Scrap Metal Waste-No Charge-includes all types of metal waste. No plastic or wood attached to the metal will be accepted.

In regard to the above tipping fees:

- The rate charged for each described tipping fee listed above is adopted each year by the Franklin County Board of Commissioners in the Franklin County Budget Ordinance.
- Franklin County residential homeowners will receive the first two thousand pounds of waste material free of charge. All waste material, after the first two thousand pounds, will be charged according to the rates listed above. This includes town residents. This includes all material that crosses the scale at the solid waste transfer station.
- All vehicles must weigh in on the scale and be logged into the computer. A number will be assigned to each customer so that all materials can be recorded. All material will be charged according to the above rates.
- All businesses and contractors will be charged. Any person or entity receiving payment for work done or which trades services shall be considered a business or contractor.
- The resident is not allowed to drive the contractor's truck to the transfer station in order to receive the first two thousand pounds free.
- Rental property is considered a business and will be charged the above rates.
- Dump type or flatbed trucks are only allowed in the transfer station from 7:00 AM to 3:30 PM on Monday through Friday and 7:00 AM to 1:00 PM on Saturday. All vehicles of this type will be charged.

Section 4. Materials Not Accepted

The following materials will not be accepted at the Solid Waste Transfer Station:

- Poisons, Pesticides, or any chemicals-powder or liquid
- Fire embers or coals (hot or burning)
- Paint still in the liquid form.
- Medical Waste
- Infectious Waste
- Radioactive Waste
- Asbestos Waste
- Any labeled hazardous waste
- Stumps
- Any item banned by the State of North Carolina or Franklin County.

Section 5. Banned Materials That Are Recycled

The following items are banned from disposal in a landfill by state or county law and are collected and recycled at the solid waste transfer station and at various recycling centers in the county:

- (a) ABC Beverage Containers.
- (b) Aluminum Cans/Pans.
- (c) Antifreeze.
- (d) Corrugated Cardboard.
- (e) Lead Acid Batteries.
- (f) Motor Oil-used.
- (g) Motor Oil Filters.
- (h) Newspapers
- (i) Oyster Shells.
- (j) Plastic Bottles.
- (k) White Goods (appliances).
- (l) Whole Scrap Tires.
- (m) Wooden Pallets.
- (n) Yard Waste.

Section 6. Fire Prevention

It shall unlawful for any person to set or cause to be set any fire in a solid waste container. No person shall place embers, ashes, or other materials into a container or onto the transfer station floor which would create a fire.

Section 7. Scavenging

It shall be unlawful for any person to remove any item from a solid waste or recycling container unless they have written permission from the Solid Waste Manager or a duly authorized representative. No person shall climb on, around or inside a solid waste or recycling container. This paragraph shall not apply to any person acting in the capacity of solid waste or recycling collector as authorized by the Solid Waste Manager.

It shall be unlawful for any person to remove any item from the transfer station loading area, metal storage area, tire storage area, concrete disposal area or the yard waste and pallet storage area, unless they have written permission from the Solid Waste Manager or a duly authorized representative. No person shall walk around or climb on or around the transfer station loading area, metal storage area, tire storage area, concrete disposal area or the yard waste and pallet storage area. This paragraph shall not apply to any person acting in the capacity of solid waste or recycling collector as authorized by the Solid Waste Manager.

Section 8. Loitering

No person or persons shall loiter and or congregate on the Franklin County Solid Waste Transfer Station property and 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.

ARTICLE IX- USE OF THE STAFFED CONVENIENCE CENTERS AND RECYCLING CENTERS

Section 1. Authority of County Agents to Regulate Use

The Convenience Centers/Recycling Centers located throughout Franklin County are maintained by the Solid Waste Department and financed by revenues generated by the, solid waste availability fee, landfill tipping fees, the sale of recycled products, and other miscellaneous revenues. The purpose of these allocated monies is to provide solid waste and recycling management services to all areas of the county. Therefore, it shall be unlawful for any person, business, industry, or institution to use the county convenience centers or recycling centers unless such person, business, industry or institution is disposing of solid waste generated on property located within Franklin County.

The Convenience Center Site Attendant is given the authority to limit the bulky waste accepted from the resident based on the capacity (number of empty containers available, day of week-Saturday is a high capacity day, etc) at the convenience site and based on amount brought in by the resident. Only one load of bulky waste per day will be accepted per household. Multiple loads of bulky waste must go directly to the Solid Waste Transfer Station. This action will be cleared by the Solid Waste Manager.

Limited items are accepted from the non-residential producers. They include office

waste, recyclable cardboard, recyclable newspaper, recyclable magazines, recyclable glass bottles, recyclable plastic bottles or milk jugs, and recyclable aluminum containers. All manufactured waste, processed waste and all bulky waste produced by a business, industry, or institution must be disposed of at the Franklin County Solid Waste Transfer Station.

Section 2. Hours of Operation

Eleven staffed convenience centers will operate under the following hours:

Monday, Tuesday, Wednesday, Friday and Saturday - 7:00 AM to 7:00 PM

The Landfill Convenience Center will operate under the following hours:

Monday through Saturday – 7:00 AM to 7:00 PM

Section 3. Materials Not Accepted

Because of the difficulty and public health hazard present when handling commingled solid waste and in order to comply with county, state and federal law, certain materials cannot be placed in county solid waste containers. Such materials include:

- (f) Any Item banned by North Carolina/Franklin County Law.
- (g) Bulky Waste from Businesses, Industries, or Institutions.
- (h) Dead Animals
- (i) Poisons, Pesticides, Chemicals-Powder Or Liquid
- (j) Infectious Waste
- (k) Radioactive Waste
- (l) Asbestos Waste
- (m) Hazardous Waste
- (n) Paint Waste in the liquid form

Convenience centers have separate containers for the following recycled items:

- Aluminum Cans/Pans
- Antifreeze
- Corrugated Cardboard
- Glass Bottles/Jars
- Lead Acid Batteries
- Magazines
- Motor Oil and Motor Oil Filters
- Newspapers
- Plastic bottles/jugs
- Textiles (clothing/shoes)

There will be collection areas at the Franklin County Solid Waste Transfer Station for the following materials (banned or regulated items):

- (a) ABC Beverage Containers.
- (b) Aluminum Cans/Pans.
- (c) Antifreeze.
- (d) Corrugated Cardboard.
- (e) Lead Acid Batteries.
- (f) Motor Oil-used.
- (g) Motor Oil Filters.
- (h) Newspapers
- (i) Oyster Shells.
- (j) Plastic Bottles/Jugs.
- (k) White Goods (appliances).
- (l) Whole Scrap Tires.
- (m) Wooden Pallets.
- (n) Yard Waste.

Section 4. Fire Prevention

It shall be unlawful for any person to set or cause to be set any fire in a solid waste container. No person shall place embers, ashes, or other materials into a solid waste container, which would create a fire hazard.

Burning trash is not a legal method of waste disposal. Burn Barrels will not be accepted at the convenience centers.

Section 5. Scavenging

It shall be unlawful for any person to remove any item from a solid waste or recycling container unless they have written permission from the Solid Waste Manager or a duly authorized representative. No person shall climb on, around or inside a solid waste or recycling container. This paragraph shall not apply to any person acting in the capacity of solid waste or recycling collector as authorized by the Solid Waste Manager.

Section 6. Loitering

No person or persons shall loiter and or congregate on convenience/recycling center property. 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.

ARTICLE X. LITTERING AND ILLEGAL DUMPING

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 or solid waste unto any public or private property unless that area is designed to

accept litter 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 illegally dumped materials.

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

It shall be unlawful to leave solid waste, recycled item or any materials at a convenience/recycling center unless there is a convenience center employee present who consents and/or supervises the leaving of the material at said site.

It shall be unlawful for any person to leave, throw or deposit any solid waste, recycled item, or litter at any former convenience/recycle center from which all solid waste and recycling containers have been removed.

ARTICLE XI-SOLID WASTE TRANSPORTATION

Vehicles or containers used for the collection and transportation of garbage or refuse containing garbage shall be covered, durable and of sturdy construction. These shall be cleaned as often as necessary to prevent a nuisance and shall be maintained in good repair. 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 there from and shall be covered or securely tied to prevent blowing of materials. If spillage should occur, the material shall be considered litter unless picked up immediately by the solid waste collector or generator and returned to the vehicle or container and the area properly cleaned.

ARTICLE X II- SOLID WASTE COLLECTOR

It shall be illegal for a solid waste hauler/collector to bring solid waste or recycled items into the solid waste transfer station that have been otherwise banned by this ordinance including any banned materials commingled with other permitted solid waste. Banned materials include:

- (a) ABC Beverage Containers.
- (b) Aluminum Cans/Pans.
- (c) Antifreeze.
- (d) Corrugated Cardboard.
- (e) Lead Acid Batteries.
- (f) Motor Oil-used.
- (g) Motor Oil Filters.
- (h) Newspapers.
- (i) Oyster Shells.
- (j) Plastic Bottles/Jugs.
- (k) White Goods (appliances).
- (l) Whole Scrap Tires.
- (m) Wooden Pallets.
- (n) Yard Waste.

ARTICLE XIII - SOLID WASTE DISPOSAL

No solid waste hauler/collector or other person shall dispose of solid waste, except by one of the following methods:

- A. By placing approved household waste in a county solid waste container or private hauler waste container.
- B. By placing acceptable waste at the Franklin County Solid Waste Transfer Station or any other permitted sanitary landfill or solid waste transfer station that meets all local, state, and federal regulations.
- C. By incineration in an incinerator that meets all requirements of the local, state, and federal air pollution standards.
- D. Disposal of solid waste by any method other than those listed above, including illegal dumping, burying, or burning is prohibited.

ARTICLE XIV – RESPONSE TO ILLEGAL BURNING OPERATIONS

With regard to all illegal burning operations related to solid waste, however minor, each Fire Department within Franklin County, upon discovering or otherwise being called to an illegal burning event, shall immediately extinguish the fire and promptly report the illegal burn to the Solid Waste Manager. The Solid Waste Manager may, in his discretion, report the illegal burn to the North Carolina Division of Air Quality. This directive shall be in addition to all other remedies available under the Ordinance related to the unlawful disposal of waste.

ARTICLE XV - ENFORCEMENT

The Solid Waste Manager along with any county employee that the County Manager designates shall be empowered to enforce this ordinance. The designated enforcement person shall be responsible to organize all county enforcement efforts against littering and other activities, which violate this ordinance.

- A. When litter 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 thereof shall be responsible, upon notice, to remove said material and dispose of such in accordance with this ordinance.
- B. When litter is released from a vehicle, the operator of that vehicle shall be presumed to have committed such offense.
- C. If any solid waste disposed of 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.
- D. Photographs or videotapes of an illegal dumping area, litter, or of a person committing such offense may be used as evidence to identify the person responsible.

ARTICLE XVI - PENALTIES FOR VIOLATION

- A. The violation of any provision of this ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in General Statute 14-4 by a fine not more than \$500.00. 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 imposed pursuant to this ordinance.
- B. In addition, enforcement of this ordinance may be by appropriate equitable remedy, injunction, or order of abatement issued from a court of competent jurisdiction

pursuant to General Statutes 153A-123(d) and (e), or any other applicable law.

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 an administrative penalty for each violation which shall be paid in full within twenty-four (24) hours of the service of the citation in accordance with North Carolina General Statutes 153A-123.

1. Such penalties may be received by Franklin County in a civil action in the nature of the debt or may be collected in such a manner as prescribed herein within the prescribed time following the issuance of notice for such violation.
2. Such notice shall, among other things:
 - a. State upon its face the violation committed the place, approximate date, and the amount of the penalty.
 - b. Notify such offender that a 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 including reasonable attorney fees.
 - c. Further provide that such offender may answer the said notice by mailing said notice and stated penalty to Franklin County Government at a location designated upon such notice, and that upon payment, such case or claim and right of action by Franklin County will be deemed compromised and settled except to the extent of any criminal action that may be pending.
3. The County Finance Director or duly designated representative is authorized to accept payments in full and final settlement of the claim or claims, right or rights or action which Franklin County may have to enforce such penalty by civil action in the nature of the debt. Acceptance of such penalty shall be deemed in full and final release of any and all such claims, or rights of action arising out of such alleged violation or violations.
4. The administrative penalty for violation of this ordinance shall be as follows:
 - Littering/Illegal Dumping - \$50.00 per offense
 - Scavenging/Loitering - \$50.00 per offense
 - Residential violation, including misuse of County solid waste facility and backyard dumping - \$50.00 per offense

Use of Franklin County facilities or littering
by out-of-county offenders - \$75.00 per
offense.

Violation of commercial or industrial purposes
\$100.00 per offense

All repeat offenders - \$100.00 per offense

5. The notice of violation 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 his last known address (Certified Mail).
 6. In addition to the penalties outlined herein, the Solid Waste Manager shall, upon discovery of a violation occurring, seek to have the unlawful materials removed by the offender. Upon notice to the offender given by the Solid Waste Manager, the offender so named shall have five (5) days to remove said litter or unlawful materials and if said removal does not occur within this time frame, there shall be an additional penalty of \$50.00 per day until said litter or unlawful materials is removed. In the case of unlawful litter/solid waste being located on the property of the offender, the Solid Waste Manager is further authorized to remove the same upon failure of the property owner to so remove, and all costs to the county associated with the removal shall be reimbursed to the county from the offender. Said penalties and costs shall be collected by the county in the nature of a civil action against the offender together with reimbursement to the county for attorney fees.
- D. Any solid waste hauler of commercial, industrial, institutional, or residential waste that disposes of waste containing a banned material shall be subject to the following penalty:

A tipping fee of twice the current tipping
fee for the entire contaminated load. Sub-
sequent offenses shall be subject to tipping
fees of three times the then current tipping
fee for the entire contaminated load.

ARTICLE XVII - 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 and invalid.

ARTICLE XVIII- REPEAL OF CONFLICTING ORDINANCES

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

ARTICLE XIX - EFFECTIVE DATE

This ordinance shall be effective upon its adoption and supersedes the ordinance adopted October 5, 2009.

ADOPTED this the 5th day of September, 2009

FRANKLIN COUNTY BOARD OF
COMMISSIONERS

CHAIRMAN

ATTEST:

KRISTEN KING
CLERK TO THE BOARD