

ORDINANCE NO. 28

SOLID WASTE MANAGEMENT ORDINANCE  
OF  
CASWELL COUNTY, NORTH CAROLINA

ARTICLE I - TITLE

This ordinance shall be known and may be cited as Ordinance No. 28, the Solid Waste Management Ordinance of Caswell County, North Carolina.

ARTICLE II - PREAMBLE

WHEREAS, the Caswell County Board of Commissioners are authorized by the General Statutes of the State of North Carolina to enact an ordinance regulating solid waste collection, storage, transportation and disposal within Caswell County, North Carolina.

NOW, THEREFORE, be it ordained that the following regulations shall apply to Caswell County, North Carolina.

ARTICLE III - PURPOSE

The purpose of this ordinance is to promote the public safety, health and welfare of the citizens of Caswell County by regulating the collecting, transportation and disposal of solid waste in Caswell County. The solid waste collection system uses sites and equipment which could prove injurious to the public; this ordinance is designed to protect the public as well as the property of Caswell County.

ARTICLE IV - AUTHORITY

Under provisions pursuant to Chapters 153A-121 and 153-136 of the North Carolina General Statutes, Caswell County hereby exercises its authority to enact these regulations.

ARTICLE V - JURISDICTION

On and after January 1, 1991, these regulations shall govern the transportation and disposal of solid waste within Caswell County, North Carolina.

ARTICLE VI - DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of these regulations:

- A. Garbage - All putrescible wastes, including animal and vegetable matter, animal offal and carcasses and recognizable industrial by-products, but excluding sewage and human wastes.
- B. Supervisor of Sanitary Landfill - means the Supervisor of the Caswell County Sanitary Landfill or his authorized representative or agent.
- C. Person - means any individual, firm, governmental unit, organization, partnership, corporation or company.

D. Solid Waste - garbage, refuse, rubbish, trash and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

E. Solid Waste Collector - means any person who collects or transports solid waste.

F. Solid Waste Container Site - any place owned, leased, rented, franchised or otherwise operated by Caswell County, or its agents, at which refuse, garbage or solid waste is collected, transported or disposed of.

G. Refuse - all non-putrescible wastes.

**ARTICLE VII - USE OF CONTAINER SITES**

**Section 1. Authority of Sanitary Landfill Supervisor to Regulate Use**

The solid waste container sites located throughout Caswell County are operated and maintained by Caswell County, Caswell County Board of Education and franchise holders under the auspices of the Caswell County Board of Commissioners. The purpose of these container sites and the sanitary landfill program is to provide solid waste collection services to the citizens. Therefore, it shall be unlawful for any person, industrial or commercial establishment to use said solid waste container site or landfill unless such person or establishment is disposing of trash and/or solid waste generated on property located within Caswell County, North Carolina.

Due to the varying types of commercial and industrial establishments in the county each having differing volumes of trash and/or solid waste and due to certain types of solid waste, chemicals, etc. (See Section 2) not being acceptable for disposal in the containers, the Sanitary Landfill Supervisor shall have the authority to determine which establishments shall dispose of their trash and/or solid waste at the Caswell County Sanitary Landfill rather than using the containers.

Due to the fact that the operation of the Caswell County Sanitary Landfill is regulated by the North Carolina Department of Human Resources, Division of Health Services, Sanitary Engineering Section, and the U. S. Environmental Protection Agency, the Sanitary Landfill Supervisor shall have the authority to determine what types of waste can be deposited in the sanitary landfill in accordance with the most current State and Federal rules and regulations governing such disposal.

**Section 2. Materials Not Acceptable**

No persons shall place in a solid waste container site or the sanitary landfill any solid waste other than acceptable refuse. Specific examples of items which shall not be allowed to be placed in a solid waste container site or the sanitary landfill are:

Fire embers  
Liquids  
Poisons  
Used Oil

Herbicides  
Pesticides  
Chemicals  
Medical Waste  
Lead Acid Batteries

In addition to the foregoing because the operation of the Caswell County Sanitary Landfill is regulated by the North Carolina Department of Human Resources, Division of Health Services, Sanitary Engineering Section, and the U. S. Environmental Protection Agency, the Sanitary Landfill Supervisor shall have the authority to determine what types of waste can be deposited in the sanitary landfill in accordance with the most current State and Federal rules and regulations governing such disposal.

Section 3. 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 in a container embers, ashes or other material which would create a fire hazard.

Section 4. Scavenging

It shall be unlawful for any person to remove any item from a solid waste container. No person shall climb on, around or inside a container. No person shall open or attempt to open any solid waste container. No person shall cause any damage to be inflicted upon a solid waste container.

Section 5. Loitering

No person or persons shall loiter and/or congregate on any container site property.

ARTICLE VIII - SOLID WASTE TRANSPORTATION

Vehicles or containers used for the collection and transportation of garbage or refuse containing garbage shall be covered, leak proof, 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 therefrom and shall be covered when necessary to prevent blowing of material. If spillage should occur, the collector shall be picked up immediately by the solid waste collector and returned to the vehicle or container and the area properly cleaned.

ARTICLE IX - SOLID WASTE COLLECTOR

A. No person shall collect, transport or dispose of solid waste for a fee without a duly issued Caswell County Collection Franchise and a permit issued by the County Manager of Caswell County provided that this subsection shall not apply to any persons disposing of solid waste from his own residence, or business, or to any person operating a solid waste disposal site that has been approved by the Commissioners and the Division of Health Services. Caswell County shall issue such authorization only when upon inspection it finds that the facilities, equipment and proposed operation methods of the applicant are in compliance with the requirements of Article 138 of Chapter 130 and Articles 6 and 15 of Chapter 153A of the General Statutes of North Carolina.

B. Caswell County Collection Franchises shall be obtained upon application from the Caswell County Board of Commissioners.

C. Permits shall be obtained from the office of the County Manager.

D. Revocation of Permit - The permit for collecting and hauling solid waste in Caswell County shall be revoked immediately if any or part of this ordinance is not complied with pursuant to Articles 6 and 15 of Chapter 153A of the General Statutes of North Carolina.

**ARTICLE X - SOLID WASTE DISPOSAL**

No solid waste collector or other person shall dispose of solid wastes, except by one of the following methods, provided that this section shall not be construed to prevent any person from properly disposing of solid wastes from his own residence or business on his own property in a safe, sanitary manner approved by the Commissioners or their authorized representative.

A. By placing of approved household solid waste in proper containers.

B. By placing acceptable wastes in the Caswell County Landfill or any other sanitary landfill that has been approved by the Division of Health Services "Rules and Regulations Providing Standards for Solid Waste Disposal".

C. By incineration in an incinerator that meets all requirements of the local, state and Federal air pollution standards.

D. By any other method including reclaiming or recycling processes that have been approved by the Commissioners. Disposal of solid waste by any other method including dumping is prohibited.

**ARTICLE XI - ENFORCEMENT**

The County Manager of Caswell County and any County employee whom he authorizes in writing is empowered to enforce this Ordinance.

**ARTICLE XII - 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 G.S. 14-4. 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 his liability for taxes or fees imposed under or pursuant to this ordinance.

B. In addition, enforcement of this ordinance may be by appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123(d) and (e), or any other applicable law.

C. In addition to and not in lieu of the criminal penalties and other sanctions provided in this ordinance, a violation of this ordinance may also subject the offender to the civil penalties hereinafter set forth.

1. Such civil penalties may be recovered by Caswell County in a civil action in the nature of debt or may be collected in such other amounts 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 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.

c. Further provide that such offender may answer the said notice by mailing said notice, and stated penalty to the County Manager, and that upon payment, such case or claim and right of action by Caswell County will be deemed compromised and settled.

3. The County Manager is authorized to accept such payments in full and final settlement of the claim or claims, right or rights of action which Caswell County may have to enforce such penalty by civil action in the nature of debt. Acceptance of such penalty shall be deemed a full and final release of any and all such claims, or rights of action arising out of such alleged violation or violations.

4. The civil penalty for violation of this ordinance is ONE HUNDRED DOLLARS (\$100.00).

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.

6. All penalties paid to the County Manager as well as those recovered in a civil action in the nature of debt as herein provided shall be paid into the general fund of Caswell County.

ARTICLE XIII - SEPARABILITY

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

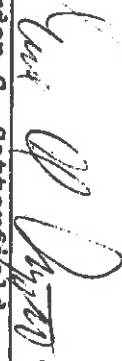
ARTICLE XIV - REPEAL OF CONFLICTING ORDINANCES

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


ARTICLE XV - EFFECTIVE DATE

This Ordinance shall be effective upon its adoption.

This the 27th day of August, 1990.

  
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Gordon G. Satterfield  
Chairman, Board of Commissioners

Attested:

By:   
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Wanda P. Smith  
Clerk to the Board  
(SEAL)