

ROCKINGHAM COUNTY BOARD OF HEALTH
RULES AND REGULATIONS GOVERNING THE STORAGE,
COLLECTION, TRANSPORTING AND DISPOSAL OF
SOLID WASTE IN ROCKINGHAM COUNTY, NORTH CAROLINA

BE IT ORDAINED by the Rockingham County Board of Health:

That the Rules and Regulations Governing the Storage, Collection, Transporting, and Disposal of Solid Waste in Rockingham County, North Carolina as adopted by the Rockingham County Board of Health on June 3, 1975 be amended and replaced to read as follows:

The Rockingham County Board of Health is of the opinion that it is necessary, in order to protect and advance the public health of the people of Rockingham County, that the Board of Health regulate the storage, collection and disposal of solid waste throughout Rockingham County.

IT IS RESOLVED by the Rockingham County Board of Health that the following rules and regulations for the protection and advancement of public health of the people of Rockingham County are hereby adopted. The Board of Health has the authority pursuant to Article 2, Chapter 130A-39. Chapter 130A-39(a) provides that local boards of health may enact rules to protect and promote the public health, and 130A-39(c) provides that these rules also apply to municipalities within the jurisdiction. Chapter 153A-121 gives the County government the authority to pass similar ordinances, but also says in 153-121(c) that this statute does not impair the authority of local boards of health to adopt rules and regulations to protect and promote public health. Solid waste management generally and definitions are governed by GS 130A-290 et seq. and 15A NCAC 13B. The solid waste management program is regulated in GS 130A-294. Authority to regulate the storage, collection, transportation, use and disposal of solid wastes is in GS 153A-136. Solid waste management is covered in 15A NCAC 13B .0101 et seq. GS 130A-25 defines a violation of a Board of Health rule as a misdemeanor.

SECTION 1 - 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 carcasses, recognizable industrial by-products and household and other domestic waste, but excluding sewage.

- B. Refuse - All non-putrescible wastes.
- C. 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.
- D. Solid Waste Disposal Site - Any place at which solid wastes are disposed by incineration, sanitary landfill or any other approved methods.
- E. Person - Means any individual, firm, government unit, organization, partnership, corporation, or company.
- F. Solid Waste Collector - Means any person who collects or transports solid waste.
- G. Health Director -- Means the director of the Rockingham County Health Department, or his authorized representative.

SECTION II -- SOLID WASTE STORAGE

No owner, occupant, tenant, or lessee of any premises shall permit any garbage or other refuse to accumulate upon such premises that is not stored in a manner approved by the Health Director.

- A. Garbage shall be stored in a container of a type approved by the Health Director. Every such container shall be either durable rust-resistant, non-absorbent, water-tight, rodent proof, and easily cleanable containers with a close-fitting, fly-tight cover, when applicable, or other types of containers acceptable to the Health Director and conforming to the intent of 15A NCAC 13B .0104. Covers shall be kept in place at all times, except when garbage or other refuse is being deposited in or removed from such container. A sufficient size or number of containers shall be provided to hold at least one week's accumulation of garbage. Each garbage container shall be kept clean so that no odor or other nuisance will exist.
- B. Refuse shall be stored in such a manner that it will not provide harborage to rats; not cause a fire hazard.

SECTION III – SOLID WASTE COLLECTION

The owner, occupant, tenant, or lessee of any premises upon which garbage is stored shall remove, or cause to be removed, all garbage from said premises at least once a week. Solid waste collectors shall remove all solid waste from the premises, when they receive compensation for this service, at least once a week. The work shall be done in a clean and orderly manner. Any solid waste that is spilled shall be cleaned up, and the premises left in a sanitary condition.

SECTION IV – SOLID WASTE TRANSPORTATION

No solid waste collector shall transport solid waste in a conveyance that has not been approved by the Health Director. Vehicles or containers used for the collection and transportation of garbage, or refuse containing garbage, shall be covered, leak proof, durable and of easily cleanable construction. These shall be cleaned as often as necessary to prevent a nuisance or insect breeding, and shall be maintained in good repair, according to 15A NCAC 13B .0105. 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 when necessary to prevent blowing material. If spillage should occur, the material shall be picked up immediately by the solid waste collector and returned to the vehicle or container and the area properly cleaned.

SECTION V – SOLID WASTE DISPOSAL

No solid waste collector, or other person shall dispose of solid waste, except by one of the following methods; provided that this section shall not be construed to prevent any person from properly disposing of solid waste from his own residence on his own property in a safe and sanitary matter approved by the Health Director:

- A. Sanitary landfill that meets all the requirements of the North Carolina Department of Environment and Natural Resources' Solid Waste Management Rules and Law.
- B. Incinerator that meets all requirements of the local, state and federal air pollution standards.
- C. Disposal by other sanitary methods which may be developed and demonstrated to be capable of fulfilling the basic requirements of the Solid Waste Management Rules.

SECTION VI - SOLID WASTE COLLECTOR PERMITS

No person shall collect, transport, or dispose of solid waste without a written permit from the Health Director; provided that this sub-section shall not apply to any person disposing of solid waste from his own residence or to any person operating a solid waste disposal site that has been approved by the Department of Environment and Natural Resources. The Health Director shall issue such permit only when, upon inspection, he finds that the facilities, equipment, and proposed operating methods of the applicant are in compliance with the requirement of these regulations.

SECTION VII - REVOCATION OF PERMITS

- A. Whenever upon the inspection of facilities, vehicles, equipment, or operating methods of any person holding a permit to collect, transport, or dispose of solid waste, the Health Director finds that conditions or practices exist which are in violation of the provisions of these regulations, the Health Director shall give notice in writing to such person that any non-compliant vehicle shall be taken out of service until it is brought into compliance with these rules. Continued conditions or practices in violation of the provisions of these rules may lead to revocation of the permit. When such conditions continue to be found, a written notice shall be issued stating the permit is subject to revocation unless compliance is achieved within ten (10) days. At the end of such ten (10)-day period, the Health Director shall make a re-inspection, and if he/ she finds that such conditions or practices have not been corrected, the Health Director shall give notice in writing to such person that his/ her permit has been revoked. Upon receipt of this notice, such person shall immediately cease to collect, transport, or dispose of solid waste. No such permit shall be reinstated by the Health Director until he finds, upon inspection, that all provisions of these regulations have been complied with, except that following a hearing, as hereinafter provided, such permit may be reinstated by order of the County Board of Health.
- B. ~~When there is an appeal of these rules and regulations, the aggrieved person shall give written notice of appeal to the Health Director within 30 days of the challenged action. The notice shall contain the name and address of the aggrieved person, a description of the challenged action and a statement of the reasons why the challenged action is incorrect. Upon filing of the notice, the Health Director shall, within five (5) working days, transmit to the County Board of Health the notice of appeal and the papers and materials upon which the challenged action was taken. The County Board of Health shall hold a hearing within 15 days of the receipt of the notice of appeal. The Board shall give the person not less than ten (10) days' notice of the date, time and place of the hearing. On appeal, the Board shall have authority to affirm, modify or reverse the challenged action. The County Board of Health shall issue a written decision based~~

on the evidence presented at the hearing. The decision shall contain a concise statement of the reasons for the decision. A person who wishes to contest a decision of the County Board of Health under GS 130A-24(b) shall have a right of appeal to Rockingham County District Court within 30 days after the date of the decision by the Board. The scope of review in District Court shall be the same as in GS 150B-51.

SECTION VIII - PENALTY

Any person who violates any rules and regulations adopted by a local Board of Health shall be guilty of a misdemeanor, as provided by Chapter 130A-25 of the General Statutes of North Carolina.

SECTION IX - CONFLICTING REGULATIONS REPEALED

All regulations or parts of regulations in conflict herewith are repealed only to the extent necessary to give these regulations full force and effect.


SECTION X - SEVERABILITY

If any provision of these rules and regulations, or the application thereof to any person or circumstance, is held invalid, the remainder of the rules and regulations, or the application of such provision to other persons or circumstances, shall not be affected thereby.

SECTION XI - EFFECTIVE DATE

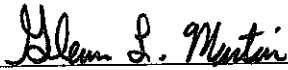
These rules and regulations shall be in full force and effect from and after April 1, 2011.

The foregoing Rules and Regulations Governing the Storage, Collection, Transporting, and Disposal of Solid Waste in Rockingham County, North Carolina, were adopted at a meeting of the Rockingham County Board of Health on March 1, 2011.



Dr. Steven Halm
Chairman
Rockingham County Board of Health

ATTEST:



Glenn L. Martin, M.S.E.H., R.E.H.S.
Secretary