

**NORTH CAROLINA
ROCKINGHAM COUNTY**

**RESOLUTION ADOPTING AN ORDINANCE ESTABLISHING REGULATIONS
FOR THE PROPER AND LAWFUL MANAGEMENT AND DISPOSAL
OF SOLID WASTE WITHIN ROCKINGHAM COUNTY
AND THE ADMINISTRATION AND ENFORCEMENT THEREOF**

WHEREAS, the Rockingham County Board of Commissioners recognizes that the accumulation of improperly and illegally managed solid waste deposited along the roadsides, waterways and upon the property of individuals and other entities within Rockingham County creates a health hazard, fire hazard and greatly lowers the value and enjoyment of properties within Rockingham County; and

WHEREAS, the Rockingham County Board of Commissioners realized the need to curtail this mismanagement of solid waste within Rockingham County and heretofore enacted and adopted an ordinance to this effect which is codified as **Chapter 9, HEALTH AND SANITATION** in the Rockingham County Code of Ordinances; and

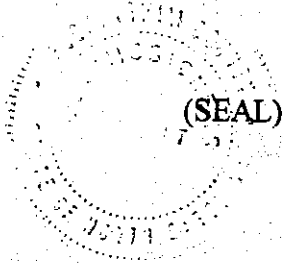
WHEREAS, the North Carolina Department of Environment and Natural Resources and the Rockingham County Board of Health have adopted regulations with the force of law pursuant to North Carolina General Statutes (NCGS) §§ 130-166.18 and 130-203, and other related State laws, providing for proper solid waste management and the associated penalties for mismanagement and illegal disposal of solid waste in Rockingham County; and

WHEREAS, the Rockingham County Board of Commissioners, pursuant to NCGS § 153A-292 and related laws, is empowered to adopt more stringent ordinances relative to the management of solid waste within Rockingham County including more strict enforcement and stringent penalties for unsanitary and unsafe disposal practices; and

WHEREAS, the Rockingham County Board of Commissioners desires to adopt this amendment to ordinance to establish regulations for the proper and lawful management and disposal of solid waste within Rockingham County, North Carolina and provide for the administration and enforcement thereof, within the requirements and authority of state law.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE ROCKINGHAM COUNTY BOARD OF COMMISSIONERS that the Code of Ordinances, Rockingham County, North Carolina, **Chapter 9, "HEALTH AND SANITATION," "ARTICLE II. HAZARDOUS AND SOLID WASTE"** be amended to add a new **"DIVISION 3. SOLID WASTE DISPOSAL,"** consisting of Sections 9-43 through 9-53, pages 1 through 7, attached hereto and incorporated herein by reference, in order to establish regulations for the proper and lawful management and disposal of solid waste within Rockingham County, North Carolina and to provide for the administration and enforcement thereof.

ADOPTED, and made effective, this the 6th day of December, 1999.



H. Keith Duncan
H. Keith Duncan, Chairman
Rockingham County Board of Commissioners

ATTEST:
Pamela M. Robertson
Pamela M. Robertson, CMC/AE
Clerk to the Board

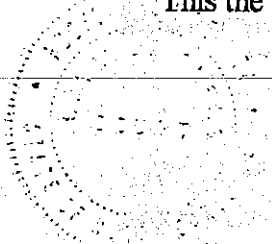
At the December 6, 1999 regular session of the Rockingham County Board of Commissioners, upon a motion of Commissioner Owens, seconded by Commissioner Gwyn, the foregoing ordinance amendment passed by the following vote:

Ayes: Commissioners Owens, Gwyn, Duncan, Tucker, Hoover

Noes: None

I, Pamela M. Robertson, Clerk of the Rockingham County Board of Commissioners, do hereby certify that the foregoing ordinance amendment was duly adopted by the governing body of Rockingham County after lawful public notice and at a regular meeting thereof, a quorum being present.

This the 6th day of December, 1999.



Pamela M. Robertson
Pamela M. Robertson, CMC/AE
Clerk to the Board

This Ordinance was introduced at the December 6th, 1999, meeting of the Rockingham County Board of Commissioners.

DIVISION 3. SOLID WASTE DISPOSAL

Sec. 9-43. Definitions.

The following definitions apply in the interpretation and enforcement of this division and where applicable to other provisions of this chapter:

Board: Board of Commissioners of Rockingham County.

Bulky waste: Large items of solid waste such as furniture, large auto parts, trees, branches, stumps and other oversize wastes whose large size precludes or complicates their handling, management and disposal.

Commercial solid waste: All types of solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing activities, excluding residential and industrial waste.

Construction and demolition waste: 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, asphalt mixed with dirt, sand, rock, concrete or similar nonhazardous material.

Department: The North Carolina Department of Environment and Natural Resources.

Garbage: All putrescible waste, including kitchen waste, animal offal and carcasses, and recognizable industrial byproducts, but excluding sewage and human waste which is capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases.

Hazardous waste: Solid waste, or a 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 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: 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: Solid waste generated by industrial processes and manufacturing.

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.

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

Land-clearing debris: Solid waste that is generated solely from land-clearing activities.

Landfill/sanitary landfill: 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, surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility; a sanitary landfill facility is for solid waste disposal in a sanitary manner in accordance with the rules concerning sanitary landfills adopted pursuant to NCGS § 130A-9.

Medical waste: Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste, radioactive waste or household waste; sharps including needles, syringes, and scalpel blades are medical waste.

Municipal solid waste: Solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be managed and disposed through a public or private solid waste management service.

Pathological waste: Human tissues, organs, and body parts, and the carcasses and body parts of any animal that were known to have been 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: Any individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

Radioactive waste: Waste containing any material, whether solid, liquid, or gas, that emits ionizing radiation spontaneously.

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.

Refuse: Solid waste, other than garbage or ashes, from residences, commercial establishments and institutions.

Regulated medical waste: 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.

Scrap tire: A tire that is no longer suitable for its original, intended purpose because of wear, damage or defect.

Solid waste: Any hazardous or nonhazardous garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic 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: animal fecal waste; solid or dissolved material in domestic sewage, sludges, irrigation return flows, and wastewater discharges and associated sludges; oils; nuclear products and byproducts; mining refuse; all as defined and qualified by existing current regulations. Solid waste shall include for the purpose of this ordinance the definitions: Bulky waste, Commercial

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solid waste, Construction and demolition waste, Garbage, Hazardous waste, Industrial solid waste, Inert debris, Institutional solid waste, Land-clearing debris, Medical waste, Municipal solid waste, Pathological waste, Radioactive waste, Regulated medical waste, Scrap tires, White goods/scrap metal, and Yard trash.

Solid waste director: The duly designated director of county solid waste management.

Solid waste disposal site: A location at which solid waste is properly and lawfully disposed of by incineration, sanitary landfill, or other approved method.

Solid waste enforcement officer: The person(s) so authorized to enforce the provisions of this ordinance and other such solid waste ordinances, regulations and laws as such person may be granted authority to enforce; the term *Solid Waste Enforcement Officer* shall include any duly trained and sworn Deputy Sheriff of the Rockingham County Sheriff's Department working under authority of the Rockingham County Sheriff and any other person authorized by the Rockingham County Board of Commissioners or the Rockingham County Manager to enforce the provisions of this ordinance.

White goods/scrap metal: Inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances; discarded steel, ferrous, copper and other metallic articles generated from residential, commercial, and industrial sources such as bed springs, machinery, auto parts, lighting fixtures, shelving units, and similar items.

Yard trash: Solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

Sec 9-44. Authority.

The provisions of this ordinance are adopted under the authority granted by North Carolina General Statutes §§ 153A-121, 132.1, 136, 274 through 278, 291 through 293, and 130A-309.09A and 309.10.

Sec. 9-45. General Requirements.

As a necessary resource and public service, the Rockingham County Board of Commissioners, in cooperation with local municipalities, has authorized and provided a solid waste management facility which includes a sanitary landfill, scrap tire collection site, scrap metal/white goods collection site, construction and demolition waste collection and disposal site, recycling site and animal carcass disposal site. These facilities shall be utilized in accordance with the terms and conditions of this ordinance and in compliance with the applicable local, state and federal regulations.

Every person, including but not limited to, any individual, any firm, organization, private corporation, governing body, agents or employees of any municipal corporation shall be required to properly and lawfully manage and/or dispose of any and all solid waste originating, generated

and/or in any way associated with the property owned, leased or under the control of the person as defined. Such management and/or disposal shall be in accordance with the provisions of this ordinance, and the existing local, state and federal regulations and requirements.

Sec. 9-46. Administration and Enforcement.

The Rockingham County Board of Commissioners authorizes the administration and enforcement of this ordinance. The administration and enforcement of this ordinance shall be vested with the Rockingham County Manager, the Rockingham County Solid Waste Director or any duly authorized Solid Waste Enforcement Officer and shall be administered in cooperation with the Environmental Health Division of the Rockingham County Department of Public Health and the Rockingham County Sheriff's Department.

Sec. 9-47. Solid Waste Management and Disposal.

The intent of this ordinance is to promote and encourage proper and lawful solid waste management including but not limited to waste reduction, reuse, recycling, and disposal. The proper methods of storage, collection, transportation and disposal of solid waste are prescribed in the RULES AND REGULATIONS GOVERNING THE STORAGE, COLLECTION, TRANSPORTING AND DISPOSAL OF SOLID WASTE IN ROCKINGHAM COUNTY, NORTH CAROLINA, as promulgated by the Rockingham County Board of Health dated June 3, 1975 which are incorporated herein by reference as applicable to this ordinance. Laws, rules and regulations required for solid waste disposal facilities, scrap tires, scrap metal and white goods, waste reduction, reuse, recycling, and disposal as prescribed by the North Carolina General Statutes and Administrative Rules of the Department of Environment and Natural Resources are cited and incorporated herein by reference as applicable to this ordinance. This ordinance shall supplement these regulations and apply more stringent requirements as approved within the legal authority of the Board of Commissioners.

Sec. 9-48. Violations.

The following solid waste management and disposal practices shall be unlawful and considered violations of this ordinance:

- (a) Maintaining, allowing, causing or permitting the accumulation of excessive, unsightly or improperly managed solid waste upon premises owned, occupied or controlled by the violator, in any manner placing or allowing solid waste to remain upon such premises so as to constitute a nuisance, or causing or creating the likelihood of injury to the health, welfare or safety of another person or the likelihood of injury to adjoining property;
- (b) Burning solid waste except as permitted by existing fire codes and regulations.

(c) Intentionally or recklessly throwing, scattering, spilling, placing, causing or allowing to be blown, scattered, spilled, thrown or placed, or otherwise disposing of any litter upon any public property or private property not owned by said violator within Rockingham County or into the waters of Rockingham County including, but not limited to, upon any public highway, public park, lake, river, stream, campground, forest land, recreational area, mobile home park, highway, road, street or alley; the occurrence of any of the foregoing acts resulting from transporting solid waste in a vehicle shall constitute a violation.

(d) Intentionally and willfully dumping or depositing any solid waste material on the property owned by the violator or the property of another with or without the consent of the property owner which is inconsistent with proper and lawful solid waste management and disposal practices.

(e) Burying in the earth or submersing in water any solid waste material that is not permitted by proper and legal solid waste management and disposal regulations and practices.

Sec. 9-49. Permissible Methods of Disposal.

The following solid waste management and disposal practices shall be considered permissible and lawful with respect to this ordinance:

(a) Disposal of solid waste in a sanitary landfill or other disposal facility duly authorized and permitted by the North Carolina Department of Environment and Natural Resources;

(b) Disposal of solid waste in an approved incinerator or other heat treating device duly authorized and permitted by the North Carolina Department of Environment and Natural Resources;

(c) Recycling of solid waste utilizing approved lawful practices and available resources and outlets for recycled materials.

Sec. 9-50. Enforcement Measures and Remedies.

Rockingham County may exercise remedies for violation of any provision of this ordinance as allowed and authorized by the North Carolina General Statutes. NCGS § 153A-123 provides that violation of a county ordinance is a misdemeanor, that the county may levy a civil penalty for violations, and that the ordinance may be enforced by equitable remedies such as injunction.

Criminal Penalty: Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days, or both. Each day's continuing violation shall be a separate and distinct offense.

Civil Penalty: Any person who is found in violation of this ordinance shall be subject to a civil penalty not to exceed five hundred dollars (\$500.00) as provided in NCGS § 153A-123. Each day's violation shall be treated as a separate offense.

A citation may be issued to any person if there is probable cause to believe that such person has violated any provision of this ordinance. Citations so issued may be served upon the violator in person by the Solid Waste Enforcement Officer or mailed to the person by certified mail if the person cannot be readily found. Any citation so served or mailed shall direct the violator to make payment of the fine on or before a specified day and hour to the Rockingham County Environmental & Engineering Services Department and to present evidence of the remedy of any violation of this ordinance within a period of not less than seventy-two (72) hours after service or delivery to the violator. If served by certified mail, the violator shall have six (6) days after the return receipt date to respond to the citation.

If the violator does not respond to the citation, the Solid Waste Enforcement Officer shall forthwith have a complaint entered against such person and secure a warrant for said violator's arrest. Upon arrest and conviction for the violation of this ordinance, the violator shall be subject to the maximum penalty as prescribed by law and this ordinance as determined at the discretion of the court of competent jurisdiction.

A warning may be issued by the Solid Waste Enforcement Officer without fine when the officer is of the opinion that a violation of this ordinance may be remedied without the necessity of prosecution; however, a warning citation may not be issued in the case where public health and/or safety are endangered.

The minimum civil penalties for any violation of this ordinance are set forth in Sec. 9-53. A citation may be issued for multiple violations and the violator assessed the sum of the penalties for each offense.

A civil penalty of \$500 may be assessed for a flagrant and willful violation. A violation may constitute grounds for the Solid Waste Enforcement Officer to seek injunctive relief.

This ordinance may be enforced by equitable remedies, and any unlawful condition which may be in violation of this ordinance may be abated by mandatory or prohibitory injunction in accordance with NCGS § 153A-123.

Sec. 9-51. Severability.

If any Section, subsection, sentence, phrase or portion of this ordinance is for any reason invalid or unconstitutional as determined by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Sec. 9-52. Effective Date.

This ordinance shall become effective upon adoption.

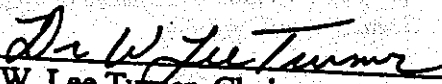
Sec. 9-53. Civil Penalty Fee Schedule.

**ROCKINGHAM COUNTY SOLID WASTE DISPOSAL
Solid Waste Disposal Civil Penalty Fee Schedule**

<u>SECTION</u>	<u>OFFENSE DESCRIPTION</u>	<u>FEE</u>
§ 9-48. (a)	Accumulation of excessive, unsightly and improperly managed solid waste on premises of property owner.	Warning
§ 9-48. (a)	Public nuisance constituted by placement of solid waste and allowing to remain after warning: 1st offense 2nd offense 3rd offense and subsequent violations	 \$ 75.00 \$150.00 \$300.00
§ 9-48. (a)	Injury to health, welfare or safety to others: 1st offense. 2nd offense 3rd offense and subsequent violations	 \$ 75.00 \$150.00 \$300.00
§ 9-48. (a)	Injury to adjoining property: 1st offense 2nd offense. 3rd offense and subsequent violations.	 \$ 75.00 \$150.00 \$300.00
§ 9-48. (b)	Burning solid waste except as allowed by existing fire codes: 1st offense. 2nd offense 3rd offense and subsequent violations	 \$ 75.00 \$150.00 \$300.00
§ 9-48. (c)	Intentional or reckless littering of public or private property/waterways not owned by violator: 1st offense. 2nd offense 3rd offense and subsequent violations	 \$ 75.00 \$150.00 \$300.00
§ 9-48. (c)	Intentional or reckless littering of public or private property/waterways during transport of solid waste: 1st offense. 2nd offense 3rd offense and subsequent violations	 \$ 75.00 \$150.00 \$300.00
§ 9-48. (d)	Intentional/willful dumping of solid waste on own or other's property, with or without consent, not allowed by law: 1st offense. 2nd offense 3rd offense and subsequent violations	 \$ 75.00 \$150.00 \$300.00
§ 9-48. (e)	Burying in earth or submersing in water any solid waste not allowed by law: 1st offense. 2nd offense 3rd offense and subsequent violations	 \$ 75.00 \$150.00 \$300.00
§ 9-50	Flagrant and willful violation of Solid Waste Disposal Ordinance.	\$500.00


SECTION XIV. EFFECTIVE DATE

These rules adopted by the Rockingham County Board of Health on June 22, 1999, shall be in full force and effect from and after January 1, 2000.



Dr. W. Lee Turner, Chairman
Rockingham County Board of Health

ATTEST:



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