

MONTGOMERY COUNTY SOLID WASTE ORDINANCE

Section 1. Purpose

The purpose of this ordinance is to regulate the storage, collection, transportation, use, disposal and other disposition of solid wastes in Montgomery County. This ordinance is adopted pursuant to the authority contained in G.S. 153A-121, 153A-132.1, and 153A-136.

Section 2. 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:

Alternative Daily Cover – Alternative cover materials for a landfill that are of an alternative thickness approved by DENR or satisfy all applicable DENR requirements and state and federal law as long as the landfill operator demonstrates that the alternative cover materials and thickness control disease, vectors, fires, odors, blowing litter and scavenging without presenting a threat to human health and the environment, other than posi-shell which is considered to the daily cover for purposes of the Franchise Agreement.

Board – The Montgomery County Board of Commissioners.

Collection- The act of removing solid wastes 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 - Solid wastes generated by stores, offices, restaurants, warehouses and other non-manufacturing activities.

Construction and Demolition Debris – Construction and demolition materials and other nonputrescible wastes as may be defined by current federal and state laws or such laws as amended. The Uwharrie Environmental Landfill is permitted to receive construction and demolition debris.

Convenience Center (Solid Waste Container Site) - Any place owned, leased, rented or otherwise operated by the County at which refuse, garbage or other solid waste is collected, transported or disposed of.

Daily Cover – The required covering to be applied at the end of each operating day over the waste received during the operating hours of the Uwharrie Environmental Landfill to control disease, vectors, fires, odors, blowing litter and scavenging. Allowable materials and depth of cover shall be in accordance with DENR's regulations and applicable state or federal laws. For purposes of the Franchise Agreement, posi-shell and other material which may be approved by DENR shall be considered to be daily cover.

DENR – The North Carolina Department of Environment and Natural Resources and any an all successor or replacement agencies or departments.

Demolition Landfill - A landfill that is limited to receiving construction and demolition debris as defined by applicable state and federal laws and regulations.

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 groundwater.

Division of Waste Management – The North Carolina Department of Environment and Natural Resources, Division of Waste Management. The Solid Waste Section regulates safe management of solid waste.

Franchise Agreement – The Franchise Agreement between Montgomery County and Republic Services of North Carolina, LLC as currently or hereafter amended.

Garbage - All putrescible solid wastes, animal and vegetable matter, animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human wastes.

Hazardous Waste – As currently defined by the federal Resource Conservation and Recovery Act as amended and N.C.G.S.130A-290(a)(8) or hereafter amended, a hazardous waste is a solid waste, or combination of solid wastes, which 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.
- (3) Or as described by the N.C. Division of Waste Management or other enforcement agencies.

Health Director - The Director of the Montgomery County Health Department, or his/her authorized representative.

Incineration - The process of burning solid, semi-solid or gaseous combustible wastes to an inoffensive gas and residue containing little or no combustible material.

Industrial Solid Waste - Solid wastes generated by industrial processes and manufacturing.

Infectious Waste - 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 - Solid waste generated by educational, health care, correctional and other institutional facilities.

Leachate – Any liquid including any suspended components in liquid that has percolated through or drained from solid waste.

Open Burning - Any fire wherein the products of combustion are emitted directly into the outdoor atmosphere and are not directed thereto through a stack or chimney, incinerator or other similar devices.

Open Dump - A solid waste disposal site which is not a sanitary landfill and which does not have a permit.

Pathological Waste - Includes 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 all animals that were exposed to pathogens in research, were used in the production of biological or in the in vivo testing of pharmaceuticals, or that died of known or suspected infectious disease.

Person - an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency or other legal entity.

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 carcasses.

Radioactive Waste - Any waste containing radioactive material as defined in G.S. 104E-5(14).

Refuse - All non-putrescible waste.

Resource Recovery - The process of obtaining material or energy resources from discarded solid waste which no longer has any useful life in its present form and preparing such solid waste for recycling.

Sharps - A term including needles, syringes and scalpel blades.

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 such waste having similar characteristics and effects. The Uwharrie Environmental Landfill is permitted to receive sludge.

Solid Waste – Any solid waste which may be disposed of in sanitary landfills including without limitation, any 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 as allowed by G.S. 130A-290(a)(18a) and other applicable state and federal laws as amended from time to time and the Franchise Agreement between Montgomery County and Republic Services of North Carolina, LLC (Franchise Agreement). However, this does not include hazardous waste, sludge, industrial waste managed in an on-site generator owned facility, or solid waste from mining or agricultural operations and does not include waste classified under the Franchise Agreement as Special Waste, Unacceptable Waste, Yard Waste, Construction and Demolition Waste, Alternative Daily Cover, Daily Cover or Recyclable Materials.

Solid Waste Collector - Any person who collects or transports solid waste by whatever means, including but not limited to, highway, rail and navigable waterway.

Solid Waste Container – A large metal container used for the temporary storage of solid wastes and capable of being automatically emptied into collection vehicles.

Solid Waste Landfill – The solid waste management facility that consists of the current municipal solid waste landfill located north of NC 1137 in Montgomery County and constructed and operated by Republic Services of North Carolina, LLC pursuant to permits

and amended permits issued by DENR, including but not limited to the Expanded Landfill and any permitted expansions thereto.

Special Waste- Solid wastes that require special handling and management including white goods, whole tires, used oil, lead acid batteries, and medical wastes. (G.S. 130A-290(a)(40)). In addition, for purposes of the Franchise Agreement, the term also includes asbestos, storm debris, disaster debris, construction and demolition waste, alternative daily cover, ashes, sludge, animal manure, residue from incineration, food processing wastes, dredging wastes, tires, industrial waste managed in an on-site generator-owned facility and solid waste from mining or agricultural operations and such other waste as may be allowed by applicable state and federal law as amended from time to time. A solid waste landfill may be permitted to handle certain specified special waste. Other special waste products are not permitted by state or federal law to enter a landfill.

Storage - The containment of solid waste, either on a temporary basis or for a period of years, in a manner which does not constitute disposal.

White Goods – Inoperable and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic commercial large appliances.

Yard Waste –Vegetative matter resulting from landscaping maintenance.

Section 3 Storage, Accumulation and Disposal of Garbage and Solid Waste -

A. Limitations on Solid Waste Storage on Private Property – The owner, occupant, tenant, lessee of any property shall be responsible for the storage, collection and disposal of solid waste and shall remove or cause to be removed all solid wastes from his property on a regular basis. The owner, occupant, tenant, or lessee of property shall ensure that his waste is disposed of at a site or facility which is permitted to receive the waste.

- (1) Garbage shall be stored only in a container that is durable, rust resistant, nonabsorbent, rodent proof, and easily cleanable with a close-fitting, fly-tight cover in place with adequate handles or bails to facilitate handling, not to exceed a 100-gallon capacity, or other types of containers conforming to the intent of this ordinance. Dumpsters or roll-off boxes, larger than 100 gallons, may be used for temporary storage and disposal of large amounts of waste due to moving, construction, or other special activities on the residential property. Commercial property may permanently use dumpsters or roll-off boxes for the operations of their business. The number of containers shall be adequate to store the accumulated garbage. Each container shall be kept clean so that no odor or other nuisance condition exists.
- (2) Refuse shall be stored in a manner that will not provide food or harborage for rodents and vermin and will not create a fire or safety hazard.
- (3) No owner, occupant, tenant or lessee of a building or dwelling, other than the operator of a permitted junkyard, shall place or leave outside of any building longer than two weeks bulky wastes such as furniture, appliances, machinery, equipment, building material, or other items which are either in a wholly or partially rusted, wrecked, junked, dismantled or inoperable condition, with the exclusion of those vehicles defined in the Montgomery County Junk Car Ordinance.

- (4) No owner, occupant, tenant or lessee of a building or dwelling shall leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight door or snap lock or similar device without first removing the doors from the appliance or any other container which is crated, strapped, or locked.
- B. Responsibility of Owner of Multi-Occupant Premises - Where there are five or more premises located in a residential building or manufactured home park, it shall be the responsibility of the owner or person in charge of each building or manufactured home park to contract with a licensed garbage collector and to pay for the regular collection of all garbage from each premises. An owner of a multi-premises building or manufactured home park may apply to the health director for an exemption if he or she can show that he or she is now disposing of garbage in a safe and sanitary manner as outlined in this chapter. It is the responsibility of the owner or person managing rental property to see that the residents dispose of their garbage in a lawful manner.
- C. Open Dumping on Private or Public Property Prohibited - No person shall throw, dump, deposit or cause to be thrown, dumped, or deposited solid waste on property owned by that person, another person, or on any public highway, street or road, upon public parks or recreation areas, or upon any other public property except that property specifically permitted for that use.
- D. Open Burning Prohibited - There shall be no open burning of solid waste in Montgomery County.
- E. Acceptable Means of Disposal of Solid Waste - It shall be unlawful for any person to dispose of garbage or solid waste at any place other than in a manner approved by law. Acceptable means of solid waste disposal includes the following:
- (1) contracting with an appropriate solid waste transporter that transports such solid waste to a permitted landfill.
 - (2) hauling garbage and solid waste to a designated county owned solid waste convenience center (residential waste only) including the convenience center at the site of the MRF and the Uwharrie Environmental Landfill;
 - (3) burning solid waste in an incinerator that has all required local, state, and federal air pollution control permits;
 - (4) by any other method, including reclamation and recycling processes that has been approved by the North Carolina Division of Solid Waste.

Section 4. Transporting Solid Waste To Approved Site - Any person collecting and transporting solid waste generated on his or her own property for disposal at an approved disposal site shall load the vehicle(s) and use containers in such a manner that the contents will not fall, leak, or spill. Commercial Vehicles or containers shall be covered to prevent the blowing of material. Residential vehicles are encouraged to cover their vehicles when transporting solid waste to a disposal site but it is not required. If material is blown from the vehicle, then the material shall be recovered

immediately by the person transporting the waste and returned to the vehicle or container, and the area properly cleaned.

Section 5. Solid Waste Convenience Centers - Solid waste convenience centers are maintained at sites listed in Appendix A of this ordinance for the convenience of Montgomery County residents on land owned or leased by the county. Solid wastes may be deposited in the solid waste convenience centers only in accordance with the provisions of this Ordinance.

- (1) All solid waste shall be deposited inside the solid waste convenience centers within the appropriate containers provided. No solid waste may be left at the solid waste disposal site outside the convenience center.
- (2) White goods, scrap metal and wire may be deposited in open top boxes at convenience centers. However, residents are encouraged to take these products directly to the site of Uwharrie Environmental Landfill for special handling.
- (3) All sharp objects, including needles, syringes and scalpel blades, whether broken or unbroken, shall be placed in sealed, puncture proof containers prior to disposal.
- (4) The following wastes may not be deposited in solid waste containers at convenience sites:
 - (a) Radioactive wastes;
 - (b) Hazardous wastes;
 - (c) Asbestos
 - (d) Pesticides or herbicides
 - (e) Poisons
 - (f) Chemicals
 - (g) Regulated medical waste
 - (h) Commercial, industrial, and institutional wastes
 - (i) Liquid wastes;
 - (j) Dead animals
 - (k) Burning or smoldering materials, or any other materials that would create a fire hazard;
 - (l) Wet or dry sludge;
 - (m) Tires;
 - (n) Construction and demolition wastes;
 - (o) Lead-acid batteries;
 - (p) Used oil;
 - (q) Antifreeze;
 - (r) Yard waste
- (5) No person may remove any item from a solid waste container; climb on or into a container; damage, or willfully set fire to or attempt to set fire to contents of a container.
- (6) A clearly identified "Second Chance Area" may be established at a convenience center site. This area is for items the attendant deems appropriate for reuse that may be reclaimed by residents who come to the convenience site.

Section 6 Landfill Operation

- A. Lawful Operation of Landfill - The Uwharrie Environmental Landfill and any landfill hereafter located in the county shall be operated according to rules and regulations providing standards for solid waste disposal adopted by the North Carolina Commission for Health Services, North Carolina Administrative Code (NCAC), Title 15A, Chapter 13, Solid Waste Management Act. The operational requirements for a sanitary landfill as outlined in the NCAC, Title 15A, Chapter 13, Solid Waste Management, or as amended, are made a part of this chapter by reference.

- B. Exclusive Use of County Residents - The Uwharrie Environmental Landfill may be used for the disposal of solid wastes by any person who is a resident of the county during regular hours of operation of the landfill. Solid wastes shall be disposed of at the landfill in the manner and according to the procedures required by the landfill operator or his or her representative.

- C. Prohibited Wastes in Landfill - The following wastes may not be disposed of in the landfill:
 - a. Certain radioactive materials
 - b. Hazardous waste
 - c. Certain liquid wastes
 - d. Certain pathological and biological wastes
 - e. Explosives
 - f. Burning or smoldering materials, or any highly flammable substances
 - g. Any other material prohibited by state or federal law
 - h. Tires – See Section 8
 - i. White goods, scrap metal and wire – See Section 9
 - j. Yard Waste – See Section 10
 - k. Lead acid batteries, used motor oil, antifreeze – See Section 11
 - l. Dead animals – See Section 12

- D. Barrels and Drums – Barrels and drums may be disposed of in the landfill provided both ends are cut out as evidence that the container is empty.

Section 7 Disposal of Infectious, Hazardous, and Radioactive Wastes - Infectious, hazardous, and radioactive wastes shall be disposed of according to written procedures approved by the North Carolina Division Waste Management.

Section 8 Disposal of Waste Tires - All waste tires in the county shall be delivered to the Uwharrie Landfill site and deposited inside the designated container there to be transported to a tire disposal facility where they can be disposed of in an environmentally acceptable way. This provision is not intended to prevent any individual, company, or other entity from developing an environmentally acceptable method for tire disposal.

Section 9 Disposal of White Goods, Scrap Metal and Wire - White goods and scrap metal shall be delivered to the Uwharrie Landfill site and deposited inside the designated containers to be transported to a facility where they can be disposed of in an environmentally acceptable way.

Section 10 Disposal of Yard Waste – Yard waste may be brought to the site of the Uwharrie Landfill and disposed of in a designated area.

Section 11 Disposal of Lead Acid Batteries, Used Motor Oil and Antifreeze – These products are not accepted in the Uwharrie Environmental Landfill, nor is there a special handling facility at the landfill site. Lead acid batteries, used motor oil and antifreeze must be taken directly to a designated service station, tire or battery center where they are collected for disposal or recycling. A list of businesses that accept these products is listed in Appendix B.

Section 12 Disposal of Dead Animals – Owners of domesticated animals which die of any cause, other than on DOT right-of-way, are responsible for burial or disposal of the animal.

The owner or person in charge of domesticated animals which die and the owner, lessee, or person in charge of land upon which animal(s) die, shall bury the animal(s) to a depth of at least two feet beneath the surface of the ground within a reasonable amount of time after knowledge of the death of the animals. Or, the owner or person in charge shall otherwise dispose of the animal(s) in a manner approved by the State Veterinarian. It shall be a violation of G.S. § 106-403 to bury any dead domesticated animal closer than 300 feet to any flowing stream or public body of water.

or

Dead animals may also be disposed of at the Uwharrie Environmental Landfill. The person with an animal to dispose of shall call the landfill and make an appointment at which time a hole is dug and the animal buried in accordance with the state regulations. A fee is charged and paid at the time of delivery based on the weight of the animal.

The North Carolina Department of Transportation (DOT) has jurisdiction over the disposal of any dead animal located on or within DOT's right-of-way. All costs incurred by a municipality or county in the removal of a dead domesticated animal shall be recoverable from the owner of such animal or from the owner, lessee, or person in charge of the land upon which the animal was illegally disposed and upon admission of ownership or conviction. "Domesticated animal" as used herein shall include poultry.

Section 13. Reserve This Section for Inclusion of a Recycling Program

Section 14. Fines and Penalties

- A. Criminal Penalty – Any person violating this chapter shall be guilty of a misdemeanor punishable by a fine of not more than \$500 or imprisonment for not more than 30 days, or both. Each day's violation shall be treated as a separate offense.
- B. Civil Penalty – Any person who is found in violation of this chapter shall be subject to a civil penalty of not more than \$500 as provided by G.S. 153A-123. Each day's violation shall be treated as a separate offense.
- C. Equitable Remedies – This chapter may be enforced by equitable remedies and any unlawful condition existing by injunction and order of abatement in accordance with G.S.153A-123 or G.S. 153A-140.

Appendix A - Montgomery County Convenience Sites

Blaine Road Site
560 Blaine Rd.
New London, NC 28127
336-461-3103

Ether Site
2555 US 220 Alt N
Seagrove, NC 27341
910-428-2737

Brutonville Site
421 East Vivian
Candor, NC 27229
910-974-3132

109 South Site
4513 NC Hwy 109 S St.
Mt. Gilead, NC 27306
910-439-4446

Swift Island Site
7883 NC Hwy 73 W
Mt. Gilead, NC 27306
910-439-6273

Pee Dee Site
902 C C Camp Rd.
Mt. Gilead, NC 27306
910-439-9130

Love Joy Site
3536 Love Joy Rd.
Troy, NC 27371
910-576-4225

Biscoe Site
243 Coggins Rd.
Biscoe, NC 27209
910-428-2979

Uwharrie Site
710 Correll Rd.
Troy, NC 27371
910-572-4224

Windblow Site
1569 Windblow Rd.
Jackson Springs, NC 27281
910-974-3138

Pekin Site
209 NC Hwy 731 E
Mt. Gilead, NC 27306
910-439-4053

Onvil Site
424 Onvil Rd.
Mt. Gilead, NC 27306
910-572-8114

Appendix B – List of Businesses That Accept Lead Acid Batteries, Used Motor Oil and Antifreeze

Lead Acid Batteries

- Advance Auto, Troy
- Auto Zone, Biscoe
- Montgomery County Recycling Center, Troy
- Wal-Mart, Biscoe

Used Motor Oil

- Advance Auto, Troy
- Auto Zone, Biscoe
- British Petroleum (BP), Biscoe
- British Petroleum (BP), Troy
- Maness Tire and Recapping, Troy

Antifreeze