

CHAPTER 12 - SOLID WASTE

	<u>Pg.</u>
Part 1 – Management of Solid Wastes	1
Part 2 – Assessment and Collection of Solid Waste User Fees	10
Part 3 – Columbus County Landfill	13

PART 1 - MANAGEMENT OF SOLID WASTES

ARTICLE 1 - PURPOSE AND STATUTORY AUTHORITY

The purpose of this Ordinance is to regulate the storage, collection and disposal of solid wastes in Columbus County. This Ordinance is adopted pursuant to the authority contained in G.S. 153A-121, 153A-132.1 and 153A-136.

ARTICLE 2 - DEFINITIONS

The following definitions apply in the interpretation and enforcement of this Ordinance.

Board means Board of Commissioners of Columbus County.

Bulky Waste means large items of solid waste such as household appliances, furniture, automobiles, large auto parts, and such other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.

Collection means 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 means solid wastes generated by stores, offices, restaurants, warehouses and other non-manufacturing activities.

Construction and Demolition Waste means waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavement, houses, commercial buildings, and other structures.

Division of Health Services means Division of Health Services of the N.C. Department of Human Resources.

Garbage means all putrescible solid wastes, including food wastes and food containers, animal and vegetable matter, animal offal, carcasses, and recognizable industrial by-products, but excluding sewage and human wastes.

Hazardous Wastes means wastes, or a combination of wastes, in a solid, liquid, contained gaseous, or semi-solid form that may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradation, its potential for accumulation or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other organisms.

Health Director means the director of the Columbus County Health Department or his/her authorized representative.

Industrial Solid Waste means solid wastes generated by industrial processes and manufacturing.

Infectious Waste means any of the following:

- A. Equipment, instruments, utensils, and formities of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must therefore, be isolated as required by public health agencies;
- B. Laboratory wastes, such as pathological specimens (e.g., all tissues, specimens of blood elements, excreta, and secretions from patients or laboratory animals) and disposable formites (any substance that may harbor or transmit pathogenic organisms) attendant thereto;
- C. Surgical operating room pathologic specimens and disposable formites attendant thereto, and similar disposable materials from outpatient areas and emergency rooms.

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

Person means any individual, firm, partnership, corporation, association, governmental unit or agency, or other legal entity.

Radioactive Waste means any wastes that emit ionizing radiation spontaneously.

Refuse means solid wastes, excluding garbage and ashes, collected from residences, commercial establishments, and institutions.

Solid Waste means hazardous or non-hazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, institutional, commercial and agriculture operations, and from community activities.

However, the term Solid Waste does not include:

- A. Fowl and animal fecal waste;

Columbus County North Carolina – Code of Ordinances

B. Solid or dissolved material in:

1. Domestic sewage and sludge generated by the treatment thereof in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters;
2. Irrigation return flows; and
3. Wastewater discharges and the sludge incidental thereto and generated by the treatment thereof which are point sources subject to permits granted under Section 402 of the Clean Water Act, as amended (PL 92-500), and permits granted under GS 143-215.1 by the Environmental Management Commission;

C. Oils and other liquid hydrocarbons controlled under Article 21 A of Chapter 143, North Carolina General Statutes;

D. Any radioactive material as defined by the North Carolina Radiation Protection Act, G. S. 104E-1 through G. S. 104E-23; or (e) mining refuse covered by the North Carolina Mining Act, G. S. 74-76 through G. S. 74-68, and regulated by the North Carolina Mining Commission.

Solid Waste Collector means any person who collects, transports or disposes of solid wastes for hire.

Solid Waste Disposal Site means a location at which solid wastes are disposed of by incineration, sanitary landfill or other approved methods.

Solid Waste Receptacle means a large metal container used for the temporary storage of solid wastes and capable of being automatically emptied into collection vehicles.

Solid Waste Department means Columbus County Solid Waste Department.

Residential Convenience Center means a facility to receive residential bulky waste: residential leaf and limb debris: white goods brown goods and other solid waste which is not considered to be residential in nature.

Roll-Out Cart means a container supplied for the purpose of the collection of residential landfill waste.

Transfer Station means a facility to recycle County waste for processing and shipment to a Sub Title "D" Landfill.

ARTICLE 3 - STORAGE AND DISPOSAL OF SOLID WASTE

Section 1. Storage and Disposal.

- A. No owner, occupant, tenant, or lessee of any property may deposit," store, or permit to accumulate any solid wastes upon his/her property that is not stored or disposed of in a manner prescribed by this ordinance.
- B. The owner, occupant, tenant, or lessee of any property shall remove or cause to be removed all solid wastes from his/her property at least once each week (seven (7) day period).
- C. Garbage should be stored in County-provided containers.
- D. Refuse shall be stored in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.
- E. No owner, occupant, tenant, or lessee of a building or dwelling, other than a licensed junk dealer, may place or leave, or cause to be placed or left outside the building or dwelling any bulky wastes for longer than 72 hours.
- F. No owner, occupant, tenant, or lessee of any building or dwelling may leave outside the building or dwelling, in a place accessible to children, any abandoned or unattended icebox, refrigerator or other receptacle that has an air-tight door without first removing the door.
- G. Solid waste shall be disposed of only in one of the following ways:
 - 1. In a sanitary landfill approved by the Division of Health Services;
 - 2. In an incinerator that has all required local, state, and federal air pollution control permits;
 - 3. A household may dispose of solid wastes generated at his/her residence on his/her property in a manner approved by County Solid Waste Plan.
 - 4. By any other method, including reclamation and recycling processes, that have been approved by the Division of Health Services and the Columbus County Health Department.
- H. In addition to the methods listed in Section G., above, refuse may be deposited of in solid waste receptacles provided by the County.
- I. Construction and demolition wastes may be disposed of at disposal sites approved by the Division of Health Services and the Columbus County Health Director.

- J. Infectious, hazardous, and radioactive wastes shall be disposed of according to written procedures approved by the Division of Health Services and the Columbus County Civil Preparedness Office (Now Emergency Management).
- K. Any person collecting and transporting solid wastes generated on his/her property for disposal at an approved disposal site shall comply with Article 7, Sections 3 and 4 of this Ordinance concerning vehicles and containers.

ARTICLE 4 - LANDFILL MANAGEMENT

Section 1. Columbus County Solid Waste System

- A. The Solid Waste System of Columbus County may be used for the disposal wastes by any person who is a resident of Columbus County during regular hours of operation of the Solid Waste facilities as set by the Columbus County Solid Waste Department Head. Solid wastes shall be disposed of in the manner and according to the adopted procedures required manager Columbus County or their representative.
- B. The following wastes may be disposed at their prescribed and licensed area at Columbus County Landfill.
 - 1. Bulky wastes;
 - 2. Construction and demolition wastes;
 - 3. Tires, unless they have been quartered or shredded;
 - 4. Infectious wastes;
 - 5. Wet sludge;
 - 6. Trees and stumps;

ARTICLE 5 - SOLID WASTE RECEPTACLES

Section 1. Solid Waste Provisions.

- A. Columbus County's Solid Waste Contractor will provide each household in the unincorporated areas of the County with a roll-out poly cart for the citizens' trash disposal and in any area that is incorporated at the request of the governing body of that incorporated area.
- B. Columbus County will maintain five (5) Convenience Center areas for the purpose of the taking bulky waste, white goods, tires, leaf and limb and other non-household items.
- C. Commercial, industrial, and institutional solid waste may not be disposed of at the residential convenience centers.

- D. The following wastes shall not be deposited in Residential Roll-out Containers:
1. Hazardous wastes;
 2. Liquid wastes;
 3. Infectious wastes;
 4. Radioactive wastes;
 5. Bulky wastes;
 6. Tires;
 7. Construction and demolition wastes;
 8. Burning or smoldering materials, or any other materials that could create a fire hazard;
 9. Trees or stumps.

ARTICLE 6 - CORRUGATED CARDBOARD BANNED

Section 1. Ban of Corrugate Cardboard.

It shall be unlawful to dispose of any mixed load of solid waste containing more than ten (10%) percent corrugated cardboard by weight or volume in the Columbus County Transfer Station. A load of solid waste originating from a single source shall contain no corrugated cardboard. This ban does not apply to corrugated cardboard that is proven not to be recyclable.

Section 2 Penalties and Fines.

Violation of the corrugated cardboard ban will be subject to the following fine or fines:

OFFENSE NUMBER	FINE
First	Written Warning
Second	Double Tipping Fee
Third and Subsequent	Triple Tipping Fee

Section 2. Definitions.

Recyclable Corrugated Cardboard means clean cardboard with a fluted middle layer. Boxes with staples, tape, invoice sleeves and printing are recyclable and subject to the ban.

Exempt Corrugated Cardboard means any of the following:

- A. Wax coated cardboard;
- B. Cardboard soiled with grease, food waste or chemicals;
- C. Cardboard adhered to polystyrene or plastic; and
- D. Poster board, pasteboard tubing or paperboard such as cereal boxes.

Section 3. Enactment.

The above Ordinance Amendment was passed by the Board of Commissioners of Columbus County, on July 6, 1999, upon motion by Commissioner Norris, seconded by Commissioner Britt and passed unanimously, and is recorded in the Minutes of said meeting, Book 25, page 229.

ARTICLE 7 – LICENSING OF SOLID WASTE COLLECTORS

Section 1. License Issuance.

- A. No person or municipal corporation shall engage in business as a solid waste collector except under a license issued by the Health Director pursuant to this Ordinance.
- B. Applications for licenses to engage in the business of solid waste collection shall be filed with the Health Director on forms approved by the Columbus County Health Director. Municipal corporations do not have to comply with Subsection B through F of this section. The applicant shall furnish the following information:
 - 1. Name and address of the applicant and whether a sole proprietorship, corporation, or partnership, with disclosure of the ownership interest;
 - 2. A list of the equipment possessed, available, or to be obtained by the applicant;
 - 3. Number of employees the applicant expects to use in the business;
 - 4. Experience of the applicant in solid waste collection;
 - 5. Balance sheet or equivalent financial statement as of the close of the applicant's business year, showing the net worth of the business;
 - 6. Schedule of fees the applicant plans to charge.
- C. Before issuing a license pursuant to this section, the Health Director shall inspect or cause to be inspected all facilities and equipment the applicant plans to use in the solid waste collection business.
- D. The Columbus County Health Director may issue the applicant a license only when:
 - 1. He/she finds that the applicant's facilities, equipment and proposed operating methods are in compliance with this Ordinance and;
 - 2. Applicant is in compliance with applicable regulations of the Commission for Health Services and;
 - 3. That the applicant will perform solid waste collection in an efficient and sanitary manner.

Section 2. Conditions of License.

- A. A condition of the license shall be that the licensee shall serve every person who contracts with him/her for solid waste collection in such a manner that the licensee does not cause the person to be in violation of this Ordinance.
- B. If the health director denies an applicant a license, the applicant may request a hearing before the Columbus County Health Director. The Columbus County Health Director shall keep summary minutes of the hearing and at least one week after the hearing shall give the applicant written notice of his/her decision either granting the license or affirming his/her denial of the license. The applicant may appeal the health director's decision to the County Clerk within ten days of receipt of the Columbus County Health Director's decision following the hearing. After a hearing on the appeal, the Board shall either affirm the denial or direct the health director to issue the license.
- C. A license shall be valid for a period of one year from the date of issuance.
- D. A licensee shall submit a monthly report to the Columbus County Health Director containing the following information:
 - 1. Number of customers added or deleted;
 - 2. Changes in routes;
 - 3. New and replacement equipment;
 - 4. Any other information requested by the Columbus County Health Director and pertinent to the solid waste collection business.
- E. No license issued pursuant to this Ordinance shall be assignable.

Section 3. Solid Waste Vehicles and Containers.

- A. Vehicles and containers used by persons or municipal corporations for the collection and transportation of solid waste shall be covered, leak proof, durable, and easily cleanable.
- B. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair.
- C. Vehicles shall display in letters at least three inches high the name and address of the licensee or the municipality.
- D. Vehicles and containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not leak, or spill, and shall be covered to prevent the blowing of material and thus disposing of the same on the highway. If spillage or leakage should occur, the material shall be recovered immediately by the licensee or employees of a municipality and returned to the vehicle or container, and the area properly cleaned.

Section 4. Violation of Solid Waste Collection and Revocation of License.

When the Columbus County Health Director or the Columbus County Board of Commissioners finds that a licensee or a municipality has violated this ordinance or the conditions of his/her license, he/she or it shall give the licensee or a municipality written notice of the violation and inform him/her or it that if another violation occurs within thirty days, the license will be revoked and the privilege to use the Columbus County Landfill suspended. If another violation occurs within the thirty-day period, or if the continuing violation is not corrected within ten days, the Health Director or the Columbus County Board of Commissioners shall give the licensee written notice that his/her license is revoked and the privilege to use the Columbus County Landfill will be revoked. Upon receipt of the notice of revocation, the licensee shall stop collecting, transporting, or disposing of solid wastes and a municipality shall not use the Columbus County Landfill. The health director or Columbus County Board of Commissioners may reinstate a revoked license after the revocation has been in effect for thirty days if he/she finds that the conditions causing the violation have been corrected. A licensee whose license has been revoked by the Columbus County Health Department may appeal the revocation to the Board by giving written notice of appeal to the County Clerk within ten days of receiving notice of revocation from the health director. After a hearing on the appeal, the Board shall either affirm the revocation or direct the health director to reinstate the license.

ARTICLE 8 - PENALTIES

Any person violating this Ordinance shall be guilty of a misdemeanor punishable by a fine of fifty (\$50.00) dollars and not to exceed two hundred (\$200.00) dollars or imprisonment for not more than thirty (30) days or both. Each day's violation shall be treated as a separate offense.

Section 1. Enactment.

The above ordinance was passed by the Board of County Commissioners on January 5 1998, upon motion by Commissioner Spruell R. Britt and seconded by Commissioner Norris Lynwood Norris, and is recorded in the minutes of that meeting, Minute Book No. 24 pages 349 -356.

**PART 2 - ASSESSMENT AND COLLECTION OF
SOLID WASTE USER FEES**

ARTICLE 1 - SOLID WASTE USER FEES

Section 1. Cost Recovery of Solid Waste Collection.

The costs of collection and disposal of Solid Waste in Columbus County shall be recovered from the citizens through user and tipping fees.

- A. As of January 1, 1998, Columbus County will not operate a landfill for the purpose of disposing of household and commercial solid waste. The mode of operation will be one of a Transfer Station to take in the household and commercial solid waste, transport to a Sub Title O Landfill and disposal in a Sub Title D Landfill. Columbus County will maintain operations for LCID (Land Clearing and Inert Debris) and C&D (Construction and Demolition) in Columbus County.
- B. The cost of collection and disposal of solid waste shall be recovered from the citizens of the County in the form of a user fee or tipping fee. These fees are regulated for municipal incorporated areas, as well as those unincorporated areas of Columbus County. Where necessary, in incorporated areas, the fees will be prorated to reflect the collection method in the incorporated areas.
- C. There shall be a Solid Waste tipping fee imposed on all industrial accounts and commercial Solid Waste haulers.
- D. The amounts to be charged as Solid Waste collection fees, landfill use fees and tipping fees shall be established and adjusted as necessary by the Columbus County Board of Commissioners. These fees shall be recorded in the official minutes of the Board Meeting at which the charges and/or changes were adopted. These fees shall be made available to the public as a Fee Schedule, updated as necessary by any changes.
- E. The total revenue derived from the Solid Waste collection fees, landfill use fees, and Solid Waste tipping fees shall be set to recover the full costs of Solid Waste collection and disposal in Columbus County.
- F. The Solid Waste collection fees and landfill use fees shall be billed annually on the Ad Valorem tax notices mailed and/or sent to Columbus County residents. The Solid Waste tipping fee shall be determined at the landfill site, through a system using either weight or volume. The Solid Waste tipping fee is to be paid at the same time the solid waste is delivered to the landfill

unless there is an account for the hauler. Invoices shall be sent monthly by Columbus County to the Solid Waste tipping fee account holders.

Section 2. Refund or Release of User Fees.

- A. The maximum Refund or Release for User Fees will be no more than five (5) years if proof of either of the following is submitted to the Columbus County Tax Office:
 - 1. Structure was vacant for the entirety of the time frame in question;
 - 2. Structure was served by a commercial hauler for the entirety of the time frame in question.
- B. If neither of the above stated qualifications can be satisfied, a release or refund of user fee will be granted for only two (2) years.
- C. In the event that property is double listed, the Refund or Release of User fees will be determined by the number of years the said property was double listed.
- D. All refunds and releases will be approved by the Solid Waste Analyst.

ARTICLE 2 – COLLECTION OF FEES

Section 1. Responsibility of Imposing Solid Waste User Fees.

The Solid Waste collection fee shall be imposed by the Columbus County Tax Office. In accordance with NCGS 153A-293, these user fees will be collectable in the same manner as property taxes (i.e. by garnishment of wages, attachment of bank accounts, foreclosure on real property, and/or attachment of personal property). These fees will become delinquent and a lien on real property on January 6 of each year.

Section 2. Property Where Collection Fees are Imposed.

- A. The Solid Waste collection fee shall be imposed by the Columbus County Tax Office on:
 - 1. All primary single family residences, churches, offices and other entities using push-cart trash containers, within Columbus County, except for those residences within incorporated areas which have Solid Waste collection services.
 - 2. All businesses within Columbus County which are not served by Commercial solid waste haulers or town collection services including manufactured/mobile home parks and apartment complexes.
 - 3. All non-seasonal motels and campgrounds, which are not served by commercial solid waste haulers or town collection services, at a rate per room or hookup equal to one-third the full rate established for primary residences.

4. All seasonal motels and campgrounds, which are not served by commercial solid waste haulers or town collection services, at a rate per room or hook-up equal to one-third the full-rate established for primary residences.
- B. Any person who lives outside a municipality or within a municipality that is served by County solid waste and disposal, who requests a new roll-cart trash container will pay a fee to the County. A pro-rata portion of the yearly fee will be paid by purchaser, which amount will be determined by the number of months remaining in the year from the time of purchase.

ARTICLE 3 – LANDFILL FEES

Section 1. Landfill Fees.

- A. The Landfill fee shall be imposed by the Columbus County Tax Office on:
1. All primary single family residences, churches, offices and other entities using push-cart containers within Columbus County.
 2. All businesses within Columbus County which are not served by commercial solid waste haulers.
 3. All non-seasonal motels and campgrounds, which are not served by commercial solid waste haulers, at a rate per room or hookup equal to one-third of the full rate established for primary residences.
 4. All seasonal motels and campgrounds, which are not served by commercial solid waste haulers, at a rate per room or hookup equal to one-third the full rate established for primary residences.

ARTICLE 4 – EXEMPTION FROM USER FEES

Section 1. Exemption Categories.

- A. Certain categories or exemption from the Solid Waste User Fees may be developed and implemented within the authority of this Ordinance.
- B. These exemption categories shall be established and adjusted as necessary by the Columbus County Board of Commissioners, shall be recorded in the official minutes of the Board Meeting at which the changes were adjusted.
- C. There will be no user fee applied if the Real or Personal Property Tax Account has zero balance as a result of the Elderly and Disabled exemptions authorized by NCGS 105-277.1.

Section 2. Enactment.

This Ordinance replaces and supersedes all previous ordinances and amendments and shall have an effective date as of the signature of the Chairman of the Columbus County Board of Commissioners.

The above Ordinance was passed by the Columbus County Board of Commissioners on September 4, 2007, upon motion by Commissioner McKenzie, seconded by Commissioner Gore and passed unanimously, and recorded in the minutes of said meeting, Book 30, Page 508 -510.

PART 3 - COLUMBUS COUNTY LANDFILL

ARTICLE 1 - DEFINITIONS

Unless a different meaning is required by the context, the following definitions shall apply throughout this Ordinance.

Board means the Board of Commissioners for the County of Columbus.

CERCLA/SARA means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. No. 96-510,94 Stat. 2767, 42 U.S.C. 9601 et seq., as amended, and the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499,100 stat. 1613, as amended.

Disposal means 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 thereof may enter the environment or be emitted into the air or discharged into any waters, including but not limited to ground waters.

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

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

Closure means the cessation of operation of a solid waste management facility and the act of securing the facility so that it will pose no significant threat to human health or the environment.

Operator means any person, including the owner, who is principally engaged in, and is in charge of, the actual operation, supervision, and maintenance of a solid waste management facility and includes the person in charge of a shift or periods of operation during any part of the day.

Person means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, limited liability, partnership, limited liability corporations, or all other legal entities.

RCRA means the Resource Conservation and Recovery Act of 1976, Pub. L. 94-580.90 Stat. 2795, U.S.C. Section 6901 et. seq., as amended.

Refuse means all non-putrescible waste.

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 by the State of North Carolina and the County of Columbus or any appropriate federal agency.

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 effects.

Solid Waste means any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludge generated by the treatment thereof 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 discharged, 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/or agricultural operations, and from community activities.

A. The term does not include:

1. Fecal waste from fowls and animals other than humans;
2. Solid or dissolved material in:
 - a) Domestic sewage sludge and generated by treatment thereof in sanitary sewage collection, treatment and disposal systems designed to discharge effluents to the surface waters;
 - b) Irrigation return flows; and
 - c) Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended, [P.L. 92-500], and permits granted under N.C.G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this ordinance;
 - d) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes for the State of North Carolina. However, any oils or other liquid

hydrocarbons that meet the criteria for hazardous waste under RERA shall also be a solid waste for the purposes of this Ordinance;

- e) Any source, special nuclear or byproduct material as the Atomic Energy Act of 1954, as amended [42 U.S.C. Section 2011]; and
- f) Mining refuse covered by the North Carolina Mining Act, N.C.G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission [as defined under N.C.G.S. 143B-290]. However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Ordinance.

Solid Waste Disposal Site means any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method.

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

All additional definitions set out in N.C.G. S. 290[a] which are not specifically set forth herein but which may be utilized in this Ordinance, as amended, or any franchise issued hereunder. Such definitions being incorporated herein by reference thereto.

ARTICLE 2 - GRANT OF FRANCHISE

Section 1. Landfill Operator

- A. Prior to obtaining from the North Carolina Department of Environment and Natural Resources ["DENR"] a new permit, a renewal of a permit, or a substantial amendment to a permit for a sanitary landfill located, all or in part, in Columbus County, the operator of such landfill shall, in accordance with the provisions of this Ordinance, apply for and obtain from the Board a franchise to operate such landfill, subject only to the exclusionary provisions of Paragraph D of this Section.
- B. Any person operating or maintaining a sanitary landfill in Columbus County pursuant to a contractual agreement with Columbus County in effect at the time of adoption of this Ordinance, and who, pursuant to activity authorized under such agreement, becomes subject to this Ordinance based on a need to file an application with DEHNR for a new permit, a renewal of a permit, or a substantial amendment to a permit for a sanitary landfill, shall be entitled to obtain a franchise under this Ordinance for the sole purpose of compliance with G.S. 130A-290. However, the provisions of this Ordinance and any franchise issued under it shall apply to such person only to the extent that it does not limit, affect, alter, modify, revoke or invalidate any aspect of that person's existing contract with Columbus County.

C. An application for a franchise submitted pursuant to this Ordinance shall be filed with the Board or its designee, and shall include, but not necessarily be limited to, the following information:

1. Name and address of the applicant and whether a sole proprietorship, corporation, including a limited liability company or a limited liability partnership, with disclosure of the ownership interests;
2. A designation of the population to be served, including a description of the geographic area;
3. A description of the volume and characteristics of the waste stream; and
4. A projection on the useful life of the landfill.

D. This Ordinance shall not apply to any new permit, renewal of a permit, or a substantial amendment to a permit for a sanitary landfill which was issued by DENR prior to the adoption of this Ordinance.

ARTICLE 3 - COMPLIANCE WITH OTHER LAWS

Any person granted a franchise hereunder shall, as the condition of the franchise, comply with the Columbus County Solid Waste Ordinance and any other Columbus County ordinances which now or hereafter relate thereto and with all laws and regulations of the State of North Carolina and the United States of America with respect to the operation of the particular sanitary landfill for which a franchise may be granted pursuant to this Ordinance.

ARTICLE 4 – FRANCHISE TERM

A franchise shall be for a term of years not to exceed the maximum allowable by law at the time of the filing of a franchise application pursuant to this Ordinance. Provided, however, that any franchise granted hereunder shall not be for a term less than two (2) years. Any person who has been granted a franchise for a sanitary landfill hereunder shall be subject to the provisions and requirements of this Ordinance.

ARTICLE 5 - TERMINATION/SUSPENSION OF FRANCHISE

Section 1. Franchise Termination/Suspension.

The Board may, terminate or suspend, upon notice and hearing, all or any portion of a franchise granted hereunder for any of the following reasons:

- A. Failure of the operator to comply with any provision of this Ordinance, any franchise document issued in connection herewith, making any false or misleading statements or the application or any other documents, or any regulations of DENR or of the United States of America which

are applicable to a sanitary landfill operated pursuant to the proposed or requested franchise;
and

- B. Failure of the operator to comply with provisions of CERCLP/SARA or RCRA which are applicable to a sanitary landfill operated pursuant to the proposed or requested franchise.

ARTICLE 6 - PENALTIES

Section 1. Penalties and Fines.

- A. Any person violating this Ordinance shall be guilty of a misdemeanor punishable by a fine and/or imprisonment not to exceed the maximum allowable by law at the time of the violation. Each day's violation shall be treated as a separate offense.
- B. Any violation of this Ordinance shall subject the offender to judicial enforcement of this Ordinance by an appropriate equitable remedy issuing from a court of competent jurisdiction, or by mandatory or prohibitory injunction and order of abatement, issuing from or through a court of competent jurisdiction, wherein the offender is commanded to correct or cease the violation[s].

ARTICLE 7 - SEVERABILITY

If any sentence, clause, paragraph, subsection, or section of this Ordinance shall be judged by a court of competent jurisdiction as invalid and of no legal affect, such decision (s) shall not affect the remaining sentences, clauses, paragraphs, subsections, or sections of this Ordinance, and the same shall thereafter be construed as if that portion declared invalid and of no effect had never been included in the Ordinance.

ARTICLE 8 - ENACTMENT

The above Columbus County Landfill Franchise Ordinance was adopted by the Columbus County Board of Commissioners on February 1, 1999, to become effective February 1, 1999, upon motion by Commissioner Britt, seconded by Commissioner Norris and passed unanimously and recorded in the Minutes of said meeting. Book 25, Pages 21-27.