



DURHAM COUNTY ORDINANCES

Chapter 20 - SOLID WASTE*

***Cross references:** Environment, Chapter 14.

State law references: Authority of county to regulate the removal and disposal of garbage, trash, etc., G.S. 153A-132.1; authority of county to regulate the storage, collection, use and disposal of solid wastes, G.S. 153A-136; special provisions for solid waste collection and disposal, G.S. 153A-291 et seq.

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Sec. 20-1. Authority and responsibility.

The county has adopted the following rules and regulations for solid waste, recycling, collection and disposal for the general health and welfare of the citizens of the county and shall govern the management, storage, collection, transportation, disposal, and recycling of the solid waste throughout the county. Unless otherwise indicated, this chapter pertains to all solid waste activity in unincorporated Durham County.

(Ord. of 12-13-99, § 1)

Sec. 20-2. Purpose and statutory authority.

The purpose of this chapter is to regulate the storage, collection, and disposal of solid waste in the county. This chapter is adopted pursuant to the authority contained in G.S. 153A-121, 153A-132.1, 153A-136, 153A-274ff, 153A-292, and 153A-293. Unless otherwise indicated, the chapter applies to both publicly owned and privately owned solid waste management facilities located in unincorporated Durham County.

(Ord. of 12-13-99, § 1)

Sec. 20-3. Definitions.

The following definitions apply in the interpretation and enforcement of this chapter:

Beneficial fill means fill material consisting only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, and gravel to be used in accordance with section 20-10 of this chapter.

Board: Durham County Board of Commissioners.

Bulky waste means large items of solid waste such as furniture, large auto parts, trees, branches, stumps, and other oversize waste whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.

Collection means the act of removing solid waste (or materials that have been separated for the purpose of recycling) to a transfer station, processing facility, or disposal facility.

Commercial solid waste means 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 means 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 mixed with dirt, sand, gravel, rock, concrete or similar nonhazardous material.

Department means North Carolina Department of Environment and Natural Resources.

Director of general services means the designated county official to manage, supervise, and enforce the ordinance for the management of solid waste in Durham County.

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

Hazardous waste means solid waste, or a 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.

Industrial solid waste means solid waste generated by industrial processes and manufacturing, but excluding hazardous waste.

Inert debris means 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 means solid waste generated by educational, health care, correctional, and institutional facilities, but excluding hazardous waste.

Land-clearing debris means solid waste that is generated solely from land-clearing activities.

Litter means litter means any garbage, rubbish, trash, refuse, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility, dead animal, or discarded material in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Medical waste means 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, household waste, or those substances excluded from the definition of "solid waste" in this chapter.

Old corrugated cardboard means a flat two-dimensional paperboard with a corrugated paperboard center.

Pathological waste means human tissues, organs and body parts, and the carcasses and body parts of any animals 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 means any individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

Processing means any technique designed to change the physical, chemical or biological character or composition of any solid waste so as to render it safe for transport, amenable to recovery, storage or recycling, safe for disposal; or reduced in volume or concentration.

Putrescible means solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen waste, offal, and animal carcasses.

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

Recycling means 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 material or products.

Refuse means all nonputrescible waste.

Regulated medical waste means blood and body fluids in individual containers in volumes greater than 20 ml., microbiological waste, and pathological waste that has not been treated pursuant to the Durham City Code, Durham County Code, or rules promulgated by the department.

Residential convenience center means a center for temporary disposal of residential waste and recyclable materials prior to the transportation to a transfer station to be processed for final disposal.

Resource recovery means the process of retaining material or energy resources from discarded solid waste that no longer has any useful life in its present form and preparing the solid waste for recycling.

Salvageable materials means any materials deposited as refuse but retaining enough of the original qualities to be considered useful.

Scavenging means collecting or removing refuse from the solid waste receptacles located at the residential convenience or recycling centers.

Scrap tire means a tire that is no longer suitable for its original, intended purposes because of wear, damage, or defect.

Septage means solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin that is removed from a septic tank system, campers, trailers, portal toilets, etc.

Sharps means needles, syringes, and scalpel blades.

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 sludges 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 discarded, or has served its original intended use and is generally discarded, including material

resulting from industrial, institutional, commercial, residential, agricultural operations, and from community activities. The term does not include:

- (1) Fecal waste from fowls and animals other than humans;
- (2) Solid or dissolved materials in:
 - a. Domestic sewage and sludges generated by treatment thereto in sanitary sewage collection, treatment, and disposal systems that are designed to discharge effluents to the surface water;
 - 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 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 purpose of this definition;
- (3) Oils and other liquid hydrocarbons controlled under G.S. Ch. 143, Art. 21A. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purpose of this definition;
- (4) Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011);
- (5) Mining refuse covered by the North Carolina Mining Commission (as defined under 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 purpose of this definition.
- (6) Recovered materials.

Solid waste collector means any person who collects or transports solid waste.

Solid waste disposal site: means a location at which solid waste is disposed of by incineration, sanitary landfill, or other approved methods.

Solid waste management facility means any publicly owned or privately owned solid waste management facility permitted by the department that receives solid waste for processing, treatment, or disposal.

Solid waste receptacle means container used for the temporary storage of solid waste while awaiting collection such as dumpsters, rollout carts and other containers in various sizes.

Source separation means setting aside recycling materials at their point of generation by the generator.

Tire means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G.S. 130A-309.53(7).

Transfer station (facility) means a permanent structure with mechanical equipment used for the collection or compaction of solid waste prior to the transportation of solid waste for final disposal.

Used oil means any oil that has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become unsuitable for its original purpose.

White goods means inoperative and discarded refrigerators, ranges, water heaters, heaters, freezers, and other similar domestic and commercial large appliances.

Yard trimmings (yard trash) means solid waste consisting solely of vegetative matter resulting from landscaping and yard maintenance such as brush, grass, tree limbs, and similar vegetative matter.

(Ord. of 12-13-99, § 1)

Sec. 20-4. Storage and disposal.

(a) No owner, occupant, tenant, or lessee of any property may deposit, store, or permit to accumulate any solid waste on his property that is not stored or disposed of in a manner prescribed by this chapter.

(b) The owner, occupant, tenant, or lessee of any property shall remove or cause to be removed all solid waste from his property at least once every other week (14-day period).

(c) Garbage shall be stored only in a container that is durable, rust resistant, nonabsorbent, watertight, and easily cleaned, with a close-fitting, fly-tight cover in place, with adequate handles or bails to facilitate handling. Solid waste receptacles, such as dumpsters, rollout carts, and other containers in various sizes may also be used for storage provided they meet the requirements of this subsection. The number of containers shall be adequate to store one week's accumulation of garbage. Each container shall be kept clean so that no odor or other nuisance condition exists.

(d) Refuse shall be stored in a manner that will resist harborage to rodents and vermin and will not create a fire hazard. Regulated refuse under this subsection includes, but is not limited to, lumber, boxes, barrels, bottles, cans, tires, paper, cardboard, rags, old furniture and other bulky waste, and white goods. Useful materials, such as firewood and building materials, may be stored on the premises, provided they are stored in a safe manner at a reasonable height above ground.

(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 waste 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 airtight door without first removing the door.

(g) Solid waste should be disposed of in one of the following ways:

- (1) In a landfill approved by the department;
 - (2) In a transfer station, approved by the department, to be processed for final disposal;
 - (3) In an incinerator that has all required local, state, and federal control permits; or
 - (4) By any other method, including recycling and resource recovery, that has been approved by the department.
- (h) In addition to the methods listed in subsection (g), above, noncommercial garbage and refuse may be disposed of at residential convenience centers.
- (i) No person may discard, dispose, leave, or dump any solid waste on or along any street or highway or on public or private property unless such solid waste is placed in a receptacle or at a location designated for the deposit of solid waste.
- (j) Construction and demolition waste must be disposed of at a transfer station or other disposal sites approved and permitted by the department.
- (k) Regulated medical, hazardous and radioactive waste must be disposed of according to written procedures approved by the department.
- (l) All sharps shall be placed in a sealed, puncture-proof container prior to disposal. Medical waste sharps must be sent to a processing facility approved by the department or to a state landfill. Households are exempt if sharps are disposed of in a puncture proof plastic container.
- (m) The owner, person or organization in control of any property which is held out to the public as a place for assemblage, the transaction of business, recreation or as a public way and including but not limited to: restaurants, shopping centers, fast food outlets, convenience stores, hotels, motels, industrial establishments, apartment buildings, housing projects, construction-sites, loading and unloading docks, gas stations, trailer parks, hospitals and clinics shall at all times keep the premises clean of all litter thrown or left on said premises and shall take measures, including, if necessary, immediate cleanup of the premises to prevent litter from drifting or blowing to adjoining premises.
- (n) No person, firm, organization, private corporation, governing body or agents or employees thereof shall place or deposit in or upon any motor vehicles, any handbill, circular, pamphlet or poster except in a manner intended to prevent its removal except by the recipient thereof.
- (o) Open burning of solid waste is prohibited, other than on-site-generated land-clearing debris. On-site-generated land-clearing debris that is to be burned must be managed in accordance with the department's air quality rules regarding open burning.

(Ord. of 12-13-99, § 1)

Sec. 20-5. Solid waste receptacles.

(a) Solid waste receptacles are maintained at both publicly owned and privately owned facilities located throughout the county. Solid waste may be deposited in the receptacles only in accordance with the provisions of this chapter.

(b) The following waste may not be deposited in the solid waste receptacles:

- (1) Asbestos.
- (2) Burning or smoldering materials, or any other materials that would create a fire hazard.
- (3) Hazardous waste.
- (4) Lead-acid batteries.
- (5) Liquid waste.
- (6) Radioactive waste.
- (7) Regulated medical waste.
- (8) Tires.
- (9) Newspaper.
- (10) Cardboard.
- (11) Glass.
- (12) Plastic bottles.
- (13) Magazines.
- (14) Telephone books.
- (15) Aluminum and tin cans.
- (16) Any items banned by the department.

(c) All solid waste intended for disposal in a solid waste receptacle shall be deposited inside the receptacle. No solid waste may be left outside the receptacle.

(d) No person may remove any item from a solid waste receptacle, climb on or into the receptacle, or damage the receptacle.

(Ord. of 12-13-99, § 1)

Sec. 20-6. Source separation and recycling.

(a) Each person who owns, leases, or manages a residence, residential unit, or place of business, industry, commerce, or other place providing goods or services, or institution, church, or school shall make a good-faith effort to remove recyclable materials from the solid waste generated as required in

subsection (b) and make them available for recycling. Notwithstanding the following, nothing in this chapter is intended to prevent any person from donating or selling recyclable materials to any person.

(b) All recyclable materials and any other materials banned from disposal shall be separated from other solid waste and made available for recycling. Recyclable material shall consist of the following items:

- (1) Glass jars and bottles.
 - (2) Steel and aluminum cans.
 - (3) Plastic milk jugs and soda bottles.
 - (4) Corrugated cardboard (OCC).
 - (5) Telephone books.
 - (6) Newspaper.
- (c) Ownership of recyclable materials:

(1) After recyclable material has been placed in a designated container at a collection center designated by the county or its authorized agent, or has been placed at curbside in designated containers for collection, the recyclable material shall become the property of the county or its authorized agent.

(2) No person, other than a county employee or the county's authorized agent, may remove recyclable material from a designated container that has been placed at a designated recycling convenience center.

(Ord. of 12-13-99, § 1)

Sec. 20-7. Licensing of solid waste collectors.

(a) No person may engage in business as a solid waste collector except under a license issued by the county pursuant to this chapter.

(b) Applications for licenses to engage in the business of solid waste collection shall be filed with the director of general services. 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 interests.

(2) A list of the equipment possessed, available, or to be obtained by the applicant, including motor vehicle license tag numbers.

(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 last business year, showing the net worth of the business.

- (6) Schedule of fees the applicant expects to charge.
- (7) Evidence of liability insurance coverage.
- (8) Name and location of the facility where collected waste is to be disposed of.
- (c) Before issuing a license pursuant to this section, the director of general services or his designee shall inspect or cause to be inspected all facilities and equipment the applicant plans to use in the solid waste collection business.
- (d) The director of general services may issue the applicant a license only when he finds that the applicant's facilities, equipment, and proposed operating methods are in compliance with this chapter and applicable rules of the department and that the applicant will perform solid waste collection in an efficient and sanitary manner.
- (e) If the director of general services denies an applicant a license, the applicant may request a hearing before the county manager or his designee. The county manager or his designee shall keep summary minutes of the hearing and within ten working days after the hearing shall give the applicant a written notice of his decision either granting the license or affirming the denial of the license. The applicant may appeal the county manager's or his designee's decision to the board of county commissioners by giving written notice of appeal to the clerk to the board of commissioners within five working days of the receipt of the county manager's or his designee's decision. The hearing before the board of commissioners shall be de novo, and the appellant shall have the right to be represented by counsel. After a hearing on the appeal, the board shall either affirm the denial or direct the issuance of the license.
- (f) A license shall be valid for a period of one year from the date of issuance.
- (g) A licensee shall submit a quarterly report to the director of general services 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 director of general services and pertinent to the solid waste collection business.
- (h) Vehicles and containers used for the collection and transportation of solid waste shall be covered, leak-proof, durable, and easily cleaned. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair. Vehicles shall display in numbers at least three inches high the county license number of the licensee and the license sticker issued by the director of general services.

- (i) Vehicles and containers used for the collection and transportation of the solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill, and shall be covered to prevent the blowing of material. If spillage or leakage should occur, the material shall be recovered immediately by the licensee and returned to the vehicle or container, and the area properly cleaned.
- (j) When the director of general services finds that a licensee has violated this chapter or the conditions of the license, the director of general services shall give the licensee written notice of the violation and inform him that if another violation occurs within 30 days, or in the case of a continuing violation, if it is not corrected within ten days, the license will be revoked. If another violation occurs within the 30-day period, or, if the continuing violation is not corrected within ten days, the director of general services shall give the licensee written notice that the license is revoked. Upon receipt of the notice of revocation, the licensee shall stop collecting, transporting, or disposing of solid waste. The director of general services may reinstate a revoked license after the revocation has been in effect for 30 days if the director of general services finds that the conditions causing the violation have been corrected. A licensee whose license has been revoked may appeal the revocation to the county manager by giving written notice of appeal to the county manager within ten working days of receiving notice of revocation from the director of general services. The notice of appeal shall stay the revocation during the pendency of the appeal. After a hearing on the appeal, the county manager or his designee shall either affirm the revocation or direct the director of general services to reinstate the license. The applicant may appeal the county manager's or his designee's decision to the board of county commissioners by giving written notice of appeal to the clerk to the board of commissioners within five working days of the receipt of the county manager's or his designee's decision. The hearing before the board of commissioners shall be de novo, and the appellant shall have the right to be represented by counsel. After a hearing on the appeal, the board shall either affirm the revocation of the license or direct the reissuance of the license.
- (k) No license issued pursuant to this chapter shall be assignable.
- (l) The board of county commissioners may adopt a fee for the issuance of a license pursuant to this section.

(Ord. of 12-13-99, § 1)

Sec. 20-8. Solid waste management fee.

- (a) The board of county commissioners may impose an annual solid waste management fee to be used for the availability of solid waste disposal facilities and services provided by the county. These facilities and services shall include the following: improved container sites, expanded recycling services, expanded litter control and other related facilities and services.

(b) A residential solid waste management fee shall be imposed and enforced in accordance with G.S. 153A-292 on all residences, including mobile homes and single-family and multi-family dwellings located in the county and outside of the corporate limits of the City of Durham and the City of Chapel Hill, as of January 1 each calendar year. A solid waste management fee of \$23.50 shall be collected for the fiscal year beginning July 1, 1993, and ending June 30, 1994. The solid waste management fee shall be reviewed, and if necessary, adjusted on an annual basis.

(c) The solid waste management fee may be added to the annual tax bill and be payable in the same manner as property taxes, and in the case of nonpayment, taxes can be collected. These fees shall be collected in accordance with G.S. 153A-293.

(d) Exemptions from the solid waste management fee shall be provided for landowners who demonstrate that a residence is not being maintained on the subject property.

(e) The county manager, or his designee, shall establish an appeal procedure for property owners who contend that their property has no improvements and that a residence is not being maintained on such property.

(Ord. of 6-12-93; Ord. of 12-13-99, § 1)

Sec. 20-9. Land clearing and inert debris landfill.

Any land clearing and/or inert debris landfill operating in the county must comply with the applicable provisions of the city-county zoning ordinance. Any person constructing or intending to construct a land clearing and/or inert debris landfill shall give written notice to the county manager of the intent to file a permit application with the department or other state agency at least ten days prior to the filing of the application for a land clearing and/or inert debris landfill.

(Ord. of 12-13-99, § 1)

Sec. 20-10. Beneficial fill.

(a) A permit is not required for beneficial fill (as defined in 15A NCAC 13B Section .0562) activity that meets all of the following conditions:

(1) The fill material consists only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, and gravel.

(2) The fill activity involves no excavation.

(3) The purpose of the fill activity is to improve land use potential or other approved beneficial reuses.

(b) The fill activity is not exempt from, and must comply with, all other applicable laws, ordinances, rules, and regulations. Fill activity shall not contravene groundwater standards.

Sec. 20-11. Durham County Residential Convenience Centers.

(a) Residential convenience centers are maintained at numerous locations throughout the county for the convenience of county residents, and nonresident property owners, on land owned or leased by the county.

(b) All solid wastes brought to the residential convenience centers shall be deposited in the solid waste receptacles located at the residential convenience centers only in accordance with the provisions of this chapter.

(c) The following waste may not be deposited in solid waste receptacles located at the residential convenience centers:

- (1) Asbestos.
- (2) Barrels.
- (3) Burning or smoldering materials or any other materials that would create a fire hazard.
- (4) Commercial waste.
- (5) Concrete.
- (6) Construction waste.
- (7) Pathological waste.
- (8) Hazardous wastes.
- (9) Herbicides.
- (10) Industrial waste.
- (11) Institutional waste.
- (12) Land-clearing debris.
- (13) Liquid wastes.
- (14) Out-of-county wastes.
- (15) Pesticides.
- (16) Radioactive waste.
- (17) Medical wastes.
- (18) Scrap tires.
- (19) Sharps not properly contained.
- (20) Sludge.
- (21) Any material designated by the department.

(d) The following materials may be deposited in designated containers for the purpose of recycling at the residential convenience centers:

- (1) Aluminum and tin cans.
 - (2) Antifreeze.
 - (3) Cardboard (OCC).
 - (4) Glass.
 - (5) Newspaper.
 - (6) Lead acid batteries.
 - (7) Pesticide containers.
 - (8) Plastic jugs.
 - (9) Used oil.
 - (10) White goods.
 - (11) Yard waste.
 - (12) Any material designated by the department and approved by the county.
- (e) No person shall loiter and/or congregate on any of the residential convenience centers property and no vehicles shall be left unattended on said property.
- (f) Residential containers shall not be used by licensed solid waste collectors as a means of disposal for solid waste collected from commercial, institutional, industrial, or residential customers.
- (g) No person shall remove any contents from the solid waste receptacles located at the residential container sites.
- (h) Maximum allowable speed for vehicles at the county residential convenience centers is three mph.
- (Ord. of 12-13-99, § 1)

Sec. 20-12. Residential backyard composting.

- (a) *Compliance.* Backyard composting is considered a means of waste reduction in the residential community. Every person engaged in backyard composting in unincorporated areas of the county shall comply with all rules and regulations concerning proper composting procedures.
- (b) *Proper composting procedures.*
- (1) Composting activity shall not occur within 25 feet of any structure used as a dwelling that is located on adjacent property. If composting is being done on a property on which more than one dwelling exists, the composting shall not create any conditions that inhibits the reasonable use of the property.
 - (2) Composting activity shall not create any conditions that are conducive to the existence and breeding of rodents and insects or otherwise creates a condition that is injurious to the health of the community.

(3) Composting activity shall not create any condition in which the material being composted may be blown from the property on which the composting is taking place.

(4) Materials being composted which may be attractive to animals such as dogs, cats, skunks, opossums, raccoons, or other wild animals shall be protected in such a manner so as to prevent access to the composting materials by such animals.

(5) Materials being composted shall not include human body wastes, fecal waste from dogs, cats and other household pets, and meat or dairy waste products.

(Ord. of 12-13-99, § 1)

Sec. 20-13. Outside storage of used tires.

A person shall not dispose of any used tire(s) on any property other than a permitted scrap tire collection site as provided by G.S. 130A-309.57 unless placed on property for purposes of removal by the city, county, or state.

(Ord. of 12-13-99, § 1)

Sec. 20-14. Waterways and shorelines.

Waterways and shorelines, thereof, shall be maintained free of solid waste by the owners of the property, which abuts waterways and shorelines.

(Ord. of 12-13-99, § 1)

Sec. 20-15. Enforcement.

(a) *General services director.* The general services director or his designee shall have the authority to enforce those sections of this chapter, as the county manager shall designate.

(b) *Right of entry onto premises.* Whenever it is necessary to make an inspection in the course of an investigation required by this chapter, the general services director or designee are hereby empowered to enter upon property upon which there is reasonable cause to believe a violation exists at any reasonable time to inspect the same, but only if the consent of the person in possession of the premises is freely given or a search or inspections warrant is obtained as hereafter provided.

(1) If such property is occupied, the general services director or designee shall first present credentials to the occupant and request entry, explaining the reasons therefore.

(2) If such property is unoccupied, the general services director or designee, officer shall first make a reasonable effort to locate the person having charge or control of the property, present proper credentials and request entry, explaining the reasons therefore.

(3) If such entry is refused or cannot be obtained because the person having charge or control of the property cannot be found after due diligence, the general services director or designee shall obtain an administrative search warrant to conduct a search or inspection of the property.
(Ord. of 12-13-99, § 1)

Sec. 20-16. Civil penalties.

(a) *Notice of violation.* General services director or his designee shall have authority to issue notices of violation and/or notice of civil penalties to any person if there is reasonable cause to believe that the person has violated any of the provisions of this chapter.

(b) *Continuing violation.* Whenever a violation of this chapter results from a continuing condition rather than a discrete event, a written notice of violation shall be sent by certified mail to the last known address of the responsible person, specifying the nature of the violation and what must be done to correct it, requiring the responsible person to correct the violation within 15 calendar days after delivery of the notice, and informing the responsible person of the possible consequences of failure to comply.

(c) *Notice of civil penalty.* If compliance has not occurred within the period specified above, or if a violation of this chapter is a single, discrete event, a notice of civil penalties shall be issued and either delivered in person to the violator or sent by registered or certified mail. The notice of civil penalty shall direct that the notice of civil penalty shall be paid to the county within ten days of the date of issuance and shall inform the violator that if this amount is not paid within the allotted time, a civil action will be initiated to collect the penalty.

(d) *Correction of violation when payment due.* Such violation shall have been corrected by the time payment of the civil penalty is due.

(e) *Failure to pay civil penalty.* If the violator fails to pay the civil penalty by the due date, the county manager or general services director shall have the authority to file a civil complaint for the unpaid civil penalty, to be recovered by the county in the nature of a debt and/or to have a criminal summons issued against the violator.

(f) *Amounts of civil penalties.*

(1) Scavenging at the convenience and recycling centers:

First offense . . . \$ 25.00

Second offense . . . 50.00

Subsequent offenses . . . 100.00

(2) Dumping prohibited materials or quantities of materials in or around the solid waste receptacles, placing recyclables in inappropriate containers or garbage in recycling containers:

First offense . . . \$100.00

Second offense . . . 200.00

Subsequent offenses . . . 300.00

(g) *Request receipts.* The director of general services has the authority to request receipts from the violator to ensure proper disposal of the waste at a permitted disposal site.

(Ord. of 12-13-99, § 1)

Sec. 20-17. Appeal procedure and hearing.

(a) A request for appeal or review hearing from the assessment of a civil penalty must be made in writing and must be sent to the director of general services within ten days upon receipt of any notices which is the subject of the appeal or review. Upon receipt of the request for hearing the director of general services shall cease any further enforcement activities. A hearing shall be held by the committee established to hear such appeals or reviews within 30 days of receipt of the request.

(b) All testimony offered in a hearing held pursuant to this chapter shall be given under oath and recorded. The hearing shall be open to the public. The person requesting the hearing may be represented by an attorney. The director of general services shall have the burden of proving that this chapter has been violated and the proposed sanction is in compliance with this chapter. The person requesting the hearing will then be given the opportunity to clear up any conflicts or inconsistencies created by the evidence or statement. The review board established to hear such appeals and reviews may ask questions at any time during the hearing and may request further evidence from either party. During the conduct of the public hearing, the county attorney will serve as staff to the review board and will publish the findings of the board and will make notices and distributions as appropriate. If the decision is against the person requesting the hearing the director of general services shall implement the sanction(s) approved by the review board. If the decision is against the director of general services, he shall cease his efforts to implement the proposed sanction(s). Any decision rendered by the review board only applies to the violation(s) and sanction(s) in question and does not prevent the director of general services from enforcing a subsequent violation of the same provision or any other provision of this chapter. Appeals must be made as appropriate within ten days of the written decision. In the absence of an appeal, the decision of the review board will be final.

(Ord. of 12-13-99, § 1)