

Lincoln County Solid Waste Ordinance

ADOPTED

JUNE 28, 1993

CONTENTS

CHAPTER	PAGE
I. PURPOSE AND STATUTORY AUTHORITY	2
II. COVERAGE	2
III. ENFORCEMENT	2
IV. OTHER SOLID WASTE REGULATIONS	2
V. DECISION MAKING AND ADMINISTRATIVE BODIES & SOLID WASTE COORDINATOR	2
VI. DEFINITIONS	3
VII. GENERAL CONDITIONS	6
VIII. STORAGE OF SOLID WASTE	6
IX. PERMITTING OF SOLID WASTE COLLECTORS AND TRANSPORTERS	7
X. STANDARDS FOR SOLID WASTE COLLECTION EQUIPMENT	8
XI. FRANCHISING SOLID WASTE COLLECTORS	9
XII. DEMOLITION LANDFILLS	11
XIII. IMPROVEMENT GUARANTEES FOR DEMOLITION LANDFILLS	14
XIV. RECYCLING OF SOLID WASTES	16
XV. HAZARDOUS, LOW-LEVEL NUCLEAR AND MEDICAL WASTES	16
XVI. VIOLATIONS	16
XVII. SEPARABILITY	17
XVIII. EFFECTIVE DATE	17

I. PURPOSE AND STATUTORY AUTHORITY

The purpose of this ordinance is to regulate the storage, collection, and disposal of solid waste in Lincoln County. This ordinance is adopted Pursuant to G.S. 153A-136, "Regulation of Solid Waste", of the Laws of North Carolina. This ordinance shall be referred to as the "Solid Waste Ordinance".

II. COVERAGE

These regulations shall be in effect and enforced in all areas of Lincoln County that are not subject to any other municipal ordinance or regulations governing solid wastes.

II. ENFORCEMENT

This ordinance shall be enforced by the Lincoln County Solid Waste Coordinator, who shall be designated by the County Manager.

III. OTHER SOLID WASTE REGULATIONS

In the event the State or County Boards of Health have adopted regulations governing solid waste, the requirements of this ordinance and those designated by the State or County Boards of Health, whichever are more stringent, shall govern.

IV. DECISION MAKING AND ADMINISTRATIVE BODIES

A. LINCOLN COUNTY SOLID WASTE ADVISORY BOARD (SWAB)

The Lincoln County Solid Waste Advisory Board shall have the following responsibilities:

1. Educate the Board of County Commissioners and other interested parties on Solid Waste Management in Lincoln County.
2. To initiate, review and make recommendations to the Board of County Commissioners on all matters concerning solid waste of public concern.
3. Review and evaluate proposed amendments for the ordinance as needed and make recommendations to the Board of County commissioners
4. Monitor the effectiveness of the Solid Waste Ordinance and its administration.

B. APPOINTMENT PROCEDURES FOR THE LINCOLN COUNTY
SOLID WASTE ADVISORY BOARD

1. The members of the Solid Waste Advisory Board (the board) shall be appointed by the Lincoln County Board of Commissioners. The board shall be composed of 9 members. The composition of the board shall be 1 member from each county township (5 total), and 4 at large members.
2. The appointed members of the board shall show or demonstrate interest and/or expertise in solid waste management.
3. Members of the board shall serve 3 year terms. In order to establish a uniform staggered term structure for the board, a member may be appointed for less than a 3 year term of may be appointed for a maximum of 6 years.
4. Vacancies shall be filled for any unexpired portion of a term. A member appointed to the board to fill vacancies for previously appointed board members may be re-appointed for a single 3 year term.
5. The full board shall elect a chair-person, co-chair-person annually. The co-chair-person shall fulfill the duties of the chair-person during his or her absence.
6. The Solid Waste Coordinator or his designee, shall be the secretary to the board and shall be responsible for the minutes at each board meeting.
7. In the case of decisions to be made by the board, a majority of the board shall constitute a quorum.
8. A member of the SWAB may be removed from the board by the Board of County Commissioners for just cause.
9. The board shall meet at least quarterly, The chair-person or 3 of the board members may call a special meeting.

C. SOLID WASTE COORDINATOR

A Solid Waste Coordinator shall be responsible for the administration of this ordinance. In addition to other duties the Solid Waste Coordinator

shall serve as staff to the board and shall provide technical assistance to the board as requested.

V. DEFINITIONS

The following definitions shall apply throughout this ordinance:

- A. “Board of County Commissioners” means the Lincoln County Board of Commissioners, hereafter referred to as the “Board”.
- B. “Convenience Center” means a manned drop-off site provided by the county for the disposal of household refuse and recyclables.
- C. “Demolition Landfill” means a landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood and uncontaminated earth.
- D. “Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land so that such solid waste thereof may enter the environment or be emitted into the air or discharge into any water, including any ground waters.
- E. “Division” means the director of the division of health services or his agent.
- F. “Floodplain” means the lowland and relatively flat areas adjoining inland and including flood-prone areas, which are inundated by the 100 year flood.
- G. “Garbage” means all putrescible wastes, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.
- H. “Hazardous waste” means a solid waste, or combination of solid waste, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:
 - 1. cause or significantly contribute to an increase in seriously 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, or disposed of, or otherwise managed
- I. “Incineration” means the process of burning solid, semi-solid or gaseous combustible wastes to an inoffensive gas and a residue containing little or no combustible material.
- J. “Lincoln County Solid Waste Advisory Board” means a board appointed by the Lincoln County Board of Commissioners which advised the Commissioners on

solid waste problems, hereafter referred to as “Solid Waste Advisory Board (SWAB)”.

- K. “One-hundred year flood” means a flood that has a 1 percent greater chance of recurring in any year or a flood of a magnitude equaled or exceeded once in 100 years on the average over significantly long period.
- L. “Open burning” means any fire wherein the products of combustion are emitted directly into the outdoor atmosphere and are directed thereto through a stack of chimney, incinerator, or other similar device.
- M. “Open dump” means a solid waste disposal site that does not have a permit, and/or does not comply with the rules set forth in this ordinance.
- N. “Person” means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.
- O. “Public entity” means a city, county, county service district, county water and sewer district, public utility, county or district health department or other public entity authorized under state and federal rules and regulations.
- P. “Organic” means 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.
- Q. “Recycling” means the process by which recovered resources are transformed into new products in such a manner that the original products lose their identity.
- R. “Refuse” means all inorganic wastes.
- S. “Sanitary landfill” means a facility permitted for disposal of solid waste on land in a sanitary manner in accordance with State solid waste rules and Lincoln County.
- T. “Sludge” means any solid, semi-solid or liquid waste generated from 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 effect.
- U. “Solid waste” means any hazardous or nonhazardous 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 agricultural operations, and from community activities.
- V. “Solid waste collector” means any person or firm who collects or transports solid

waste for profit and is permitted by Lincoln County.

- W. “Solid waste disposal site” means any place at which solid wastes are disposed of by incineration, sanitary landfill, demolition landfill or any other acceptable method.
- X. “Solid waste generation” means the act or process of producing solid waste.
- Y. “Solid waste management” means purposeful, systematic control of the generation, storage, collection, transport, separation, treatment, processing, recycling, recovery and disposal of solid waste.
- Z. “Solid waste management facility” means land, personnel, and equipment used in the management of solid waste.
- AA. “Storage” means the containment of solid waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal.
- BB. “Unit of local government” means a county, city, consolidated city/county, sanitary district or other local agency or local government.
- CC. “Vector” means a carrier, usually an arthropod, that is capable of transmitting a pathogen from one organism to another.

VII GENERAL CONDITIONS

- A. All solid waste shall be stored, collected, transported, separated, processed, recycled, recovered, and/or disposed of in a manner consistent with this ordinance.
- B. This ordinance shall not apply to the disposal of solid waste accumulated by an individual family or household unit and disposed of on his own property unless said accumulation shall pose one of the following:
 - 1. A public health hazard.
 - 2. A threat to the public’s welfare.
 - 3. A fire hazard.
 - 4. A harborage for rodent, vermin, and/or other vectors.
- C. It shall be the duty of any owner, occupant, tenant and/or lessee on any property to remove or properly dispose of any solid waste on a regular basis, at least once a week. In removing and disposing of these wastes, individuals may seek the guidance of the County and shall follow the

guidelines in this ordinance.

VIII. STORAGE OF SOLID WASTES

- A. The owner and/or occupant of any property shall be responsible for the sanitary storage of all solid wastes accumulated on his property.
- B. Garbage stored outside shall be stored in durable, non-absorbent, water-tight, rodent proof, and easily cleanable containers with a *close fitting, fly-tight cover or lid*. This ordinance does not regulate garbage stored within the home or business.
- C. Refuse shall be stored in durable containers where garbage is stored in combination with refuse. Containers shall meet the requirements for garbage as stated in this ordinance
- D. Hazardous wastes, low-level nuclear and medical wastes shall not be stored on the property unless permitted by the appropriate local, state and federal agencies.
- E. All containers for the storage of solid wastes shall be maintained in such a manner as to prevent the creation of a public health nuisance or a unsanitary condition.
- F. All solid wastes that are stored on property, and are not in an approved container shall be removed by the owner, occupant, tenant, and/or lessee as follows:
 - 1. Contract with a solid waste collector permitted by Lincoln County.
 - 2. Haul solid wastes to a designated, approved and/or permitted solid waste site.
 - 3. Dispose of solid waste on owners property in a safe and sanitary manner and at a depth of at least 24 inches to allow proper cover sufficient to prevent the uncovering of the same by animals or fowl. and at a minimum distance of 300 feet from any property line or water source (well, spring, creek, river, lake, etc.) sufficient to prevent contamination.
 - 4. By burning of said solid wastes in an incinerator that has all the required local, state and federal pollution control permits.
 - 5. By other methods, including reclamation and recycling processes that have been approved by local and/or state governmental agencies.

IX. PERMITTING OF SOLID WASTE COLLECTORS AND TRANSPORTERS

- A. No person may engage in the business of solid waste collection and/or transportation prior to receiving all required Lincoln County permits.

- B. All persons who collect or transport solid wastes in Lincoln County must apply annually for a permit before collecting or transporting solid wastes. The applicant shall furnish the following information to Lincoln County during the application process:
 - 1. Name of applicant and whether a sole proprietorship, a corporation, or Partnership, with a disclosure of the ownership's interests.
 - 2. Home address, business address and both business and home phone number of applicant.
 - 3. A list of equipment used by applicant in his/her every day business.
 - 4. Number of individuals employed by the business.
 - 5. Experience of the applicant in solid waste collection
 - 6. Financial statement or equivalent of applicant's last business year showing net worth of business.
 - 7. License plate numbers of all solid wastes trucks used in the business.
 - 8. Planned routes and/or areas of the county the applicant expects to serve.
 - 9. Location of disposal facility to be used.
 - 10. Schedule of charges the applicant plans to charge for services.
 - 11. Proof of liability insurance.

- C. The applicant shall cause to be inspected all facilities and equipment used in the solid waste collection/transporting business before a permit is issued to the applicant when it is determined that all equipment used by the applicant's business is found to be clean and in good working condition.

- D. An applicant which has been denied a permit may request a hearing before the County Manager. The County Manager shall keep summary notes of the hearing and notify the applicant at least 10 days after the hearing in writing of its decision. If the permit is still denied, the applicant may appeal the County Manager's decision to the Board. The Board shall

either affirm the denial or direct the Solid Waste Coordinator to issue the permit to the applicant.

- E. A permit to collect and transport solid wastes in Lincoln County shall be valid for 12 months from the date of issuance.
- F. A permitted solid waste collector/transporter shall submit a quarterly report to Lincoln County containing the following information:
 - 1. Number of customers added or deleted since last quarterly report.
 - 2. Any changes in routes or areas served by the business.
 - 3. Any new or replacement equipment added to the business
 - 4. Any other pertinent information requested by the county.
- G. No permit issued pursuant to this ordinance is assignable without the prior consent of the Board of County Commissioners.

X. STANDARDS FOR SOLID WASTE COLLECTION EQUIPMENT

- A. All vehicles and equipment used for the collection and transportation of solids wastes shall be covered, leakproof, durable, and easily cleanable. All vehicles and equipment shall be kept clean and in sanitary manner. All vehicles shall be maintained in good repair.
- B. All vehicles shall display in letters at least 3 inches high the name, address and phone number of the solid waste business on both doors and/or on the container used to collect and transport the solid wastes.
- C. All solid wastes shall be loaded and moved in a manner so s to prevent the falling, leaking and spilling of the contents which are transported. All containers shall be covered to prevent spillage or leakage of solid wastes that are to be transported. Any solid wastes that are lost from a vehicle during transportation, shall be recovered immediately by the company which is transporting the lost solid wastes.
- D. Solid waste businesses found violating this ordinance shall be given a written warning of said violation. Any other violation of the same, t he County may revoke any permits to collect and/or transport solid waste in Lincoln County. The county may reinstate a revoked permit at a time when it is assured that all conditions causing the revocation of the permit have been corrected. A business that has had a permit revoked by the County may appeal the revocation of said permit to the County Manager within 10 days of receiving the notice of

revocation from the County. After a hearing, the County Manager shall either affirm the revocation or direct the Solid Waste Coordinator to reinstate the permit. If the County Manager affirms the revocation, the applicant may appeal the County Manager's decision to the Board, the Board shall either affirm the revocation or direct the Solid Waste Coordinator to reinstate the permit.

- E. No part of this ordinance shall prohibit home owners from transporting solid wastes produced in the home, to a designated, approved and/or permitted county solid waste disposal site, as long as the solid wastes which are being transported are covered so as to prevent the spillage of solid wastes in route.

XI. FRANCHISING SOLID WASTE COLLECTORS

- A. Pursuant to G.S. 153A-136, the Lincoln County Board of County Commissioners may grant a license or permit to any person, firm or corporation to engage in the collection and transportation of solid wastes. The Board may additionally grant general or exclusive franchises to those licensed or permitted under this chapter. The exclusive right to collect and transport of solid wastes for compensation within the entire county or specified areas of the county may be granted in order to prohibit any non-franchised persons, firms or corporations from engaging in the same service within the area where the exclusive right has been granted. The franchise license and permit shall be displayed at the place of business.
- B. No person may be issued a franchise by the Board unless he holds a license to engage in the business of solid waste collector issued by the County.
- C. Applications for franchises shall be filed with the County Manager or his designee, through the Solid Waste Coordinator, on forms prescribed by the Board and shall include a copy of the applicant's license application to the Solid Waste Coordinator and any other information the board deems pertinent.
- D. The Board may grant a franchise only upon finding that the applicant will render prompt, efficient, and continuing service to the area for which the franchise is granted and that the applicant has sufficient equipment and personnel to render service to all persons generating solid wastes within the service area.
- E. The Board shall determine the area for which a franchise is granted.

- F. No person may engage in the business of solid waste collection unless he holds a franchise license and permit issued by the County authorizing the collection and transportation of solid wastes.
- G. The Board shall have the authority pursuant to G.S. 153A-136 to approve all rates charged by solid waste collectors prior to granting a franchise. The Board may classify rates according to the type of service provided (residential, commercial, institutional, or industrial collection), so that reasonable compensation may be provided in accordance with the public interest. Rate schedules may be amended no more than once a year (annually) and must receive Board approval prior to implementation.
- H. The County may charge a franchise application fee when an application is submitted to the County.
- I. A franchise shall be for a minimum term of four years, but may be granted up to 30 years in accordance with G.S. 153A-136 (3), and may be renewable.
- J. A solid waste collector franchised under this ordinance shall present to each prospective customer, in advance of any agreement with that customer, a schedule of rates as authorized by this ordinance. All solid wastes shall be removed from the customer's premises at least once a week, provided the customer is no more than thirty days in arrears in payment of the required collection charges.
- K. The Board may grant temporary franchises for the collection, transportation, or disposal of solid wastes to provide service in the event of abandonment of an existing franchise or for other cause.
- L. Notwithstanding any other provision of this ordinance, the Board may grant non-exclusive franchises for the collection of commercial, industrial, institutional,, and construction and demolition wastes throughout the county.
- M. All disputes regarding the granting of a franchise and disagreements concerning franchised areas shall be determined by the Boardf.
- N. No franchise issued pursuant to this ordinance is assignable without the prior consent of the Board of County Commissioners.
- O. A solid waste collector granted a franchise under this ordinance shall give thirty days' written notice to the County before abandoning the franchise.

- P. The Board may terminate or suspend all or any portion of a franchise for any of the following reasons:
1. Loss of the franchisee's permit to operate as a solid waste collector;
 2. Failure of the franchisee to comply with the authorized fee schedule;
 3. Failure of the franchisee to render prompt and effective service to persons within the service area;
 3. Failure of the franchise to comply with any provision of this ordinance or applicable regulations of the Department of Health, Environment and Natural Resources.
- Q. All franchises shall meet the guidelines as stated in Section 10 of this ordinance.
- R. During a natural emergency, the County reserves the right to suspend a franchise license or portion thereof, for a period of 30 days in order to meet specific conditions of the natural emergency.
- S. Any person, firm or corporation granted a franchise for the collection and transportation of solid wastes pursuant to this ordinance shall also be required to provide recycling collection services to all customers.

XII. DEMOLITION LANDFILLS

The authority to regulate demolition debris landfill is pursuant to 6.5 130A-294(a)(5c). Delegation of authority and responsibility of demolition debris landfills shall be issued by the North Carolina Resources, Solid Waste Section. The Department of Environment, Health and Natural Resources shall retain exclusive authority and responsibility for the assessment under .0700 of administrative penalties for violations of the Solid Waste Management Act or Rules.

A. APPLICATION REQUIREMENTS

All persons, businesses, corporations and public entities shall obtain a permit from the County before constructing, opening or operating a demolition debris landfill. Nothing in this ordinance shall prohibit the individuals or organizations, who operate a permitted demolition debris landfill, from establishing charges to those persons disposing of debris waste at the permitted site. The County shall approve all permitted demolition debris landfill rate schedules before the site can

be opened for use. The County shall be notified of any changes in charges after a permitted site is opened for use. Applications for permits to construct and use demolition landfills in Lincoln County must be submitted to the County. a minimum of 4 sets of plans must be submitted at the time the application is submitted. The following information is required by the County before a permit can be processed:

1. A map or aerial photograph accurately showing the area within one-fourth mile of the site and identifying the following:
 - a. Entire property owned or leased by the person providing the disposal site.
 - b. Location of all homes, industrial buildings, public or private utilities, roads, wells, watercourses, and other applicable details regarding the general topography.
 - c. If site is in 100 year floodplain, provide map showing relationship.
2. An approval letter from the unit of local government having zoning authority over the area where the site will be located.
3. Location of site on county road map.
4. The types of wastes to be disposed of.
5. Any other information pertinent to the suitability of the proposed site.

A construction plan application for a proposed or existing demolition landfill must be submitted to the County with the following information:

1. A plot plan of the proposed site showing the property boundaries, proposed landfill limits, access controls and features such as roads, streams, etc.
2. Provisions for controlling erosion.
3. Procedures for promoting vegetation growth at the site on all completed areas.
4. A copy of deed or other legal description of the site.
5. Types of materials to be disposed of at site.

6. Name and phone number of responsible individual
7. Projected use of land after completion of the fill.
8. Any other pertinent information to the proposed construction plan.

B. MANAGEMENT PRACTICES

All person, businesses, and corporations which maintains or operates a demolition landfill site shall apply, maintain and operate the site in conformance with the following practices.

1. Submit an application for approval to open, maintain or operate a demolition landfill:
2. Construction plans shall be approved and followed as specified for the site:
3. A site shall accept only those waste that it has been permitted to receive;
4. The solid waste shall be restricted to the smallest area feasible and compacted as densely as practical into cells;
5. The solid waste shall be covered as specified by the County in the permit;
6. Within 6 months after the site has been closed, final termination of disposal operations, or upon revocation of permit, the site shall be covered with adequate soil cover, adequately sloped to shed surface water without excessive on-site erosion and off-site siltation, and the site shall be seeded with native grasses or other approved vegetation. The County may require other measures to protect the public health and/or welfare;
7. If necessary, to prevent erosion, seeded slopes shall be covered with straw or similar material;
8. Temporary seeding will be utilized as necessary to control erosion;
9. Adequate erosion control measures shall be practiced to prevent silt from leaving the site;

10. The site shall be adequately secured, by means of gates, chains, berms, fences, etc. to prevent unauthorized entry except when trained operator is on duty. An attendant shall be on duty at the site at all times while the site is open for public use to assure compliance with operational requirements and to prevent entry of hazardous waste and other unacceptable waste onto the site;
11. Surface water shall be diverted from the disposal area of the site and not allowed to pond on site;
12. Solid waste shall not be disposed of in water;
13. Open burning of solid waste is prohibited;
14. Equipment shall be provided to control accidental fires, or arrangements shall be made with local fire protection agencies to immediately provide fire fighting services when needed;

C. PERIODIC MONITORING

County Personnel shall evaluate all demolition sites on a quarterly basis. The evaluation shall be composed of the following:

1. Premises inspection consisting of detecting water ponding on site, erosion control procedures, and soil cover/compaction evaluations.
2. Quality control measures considering materials entering the demolition landfills.
3. Equipment evaluations.

Any violations that are not corrected in a timely fashion shall be reported to the State for enforcement. Notification of violations of this section shall be in writing to the operator.

XIII. IMPROVEMENTS GUARANTEES FOR DEMOLITION LANDFILLS

A. AGREEMENT AND SECURITY REQUIRED

To assure the satisfactory closure of a demolition landfill site, Lincoln County may enter into an agreement with the applicant whereby the applicant shall agree to complete all required improvements. Once said agreement is signed by both parties and approved by the Board, if all other requirements of this Ordinance are met. To secure this agreement, the applicant shall provide to the Board either one, or a

combination of the following guarantees. The amount of such guarantee shall be equal to 1.25 times the cost of installing all required improvements. All such guarantees shall be subject to the approval of the Board and shall be made payable to Lincoln County.

1. Surety Performance Bond(s)

The applicant shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The duration of the bond(s) shall be until such time as the improvements are accepted by the Board.

2. Cash or Equivalent Security

The applicant shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the County or in escrow with a financial institution designated as an official depository of Lincoln County.

If cash or other instrument is deposited in escrow with a financial institution as herein provided, the applicant shall then file with the Board and agreement between the financial institution and himself guaranteeing the following:

1. That said escrow account shall be held in trust until released by the Board and may not be used or pledged by the applicant in any other matter during the term of the escrow; and
2. That in case of a failure on the part of the applicant to complete said improvements, the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the County the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.

B. DEFAULT

Upon default, meaning failure on the part of the applicant to complete the required improvements in a timely manner as spelled out in the performance bond or escrow account, shall, if requested by the Board, pay all or any portion of the bond or escrow fund to Lincoln County up to the amount needed to complete the improvements based on the County Engineer's estimate. Upon payment, the Board, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required

improvements. The County shall return to the bonding firm any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the applicant shall nonetheless be responsible for providing the funds to cover such costs. The applicant shall at all times bear the financial burden for the installation of all required improvements.

C. **RELEASE OF GUARANTEE SECURITY**

The Board may authorize the County Manager to release a portion of any security posted as the improvements are completed and approved by the County. such funds shall then be released within ten (10) days after the corresponding improvements have been so approved.

XIV. **RECYCLING OF SOLID WASTES**

- A. All persons, corporations and public entities shall be educated and encouraged to participate and be responsible for recycling solid wastes produced within their unit. Wastes such as glass, plastics, aluminum cans, paper-products, yard wastes, construction wastes, tires, motor oils, white goods, etc. shall be recycled in a manner so as to reduce the main flow of solid wastes into the local county landfill
- B. All business, corporations, institutions and public entities shall be encouraged to submit to the county a written recycling plan. The plan should address source reduction, purchasing of recycled materials, recycling programs and other recycling/reduction initiatives that have been implemented. The Solid Waste Coordinator shall be available as a resource to help develop recycling plans. When a plan can substantiate a reduction in the waste stream, future cost increases may be offset by incentives for successful programs.
- C. All recyclables shall be collected at designated areas. All containers used for recyclable products shall be labeled, with type of product, on each container. All containers shall be placed in areas that are easily accessible to the citizens of Lincoln County.
- D. All recycled materials collected by Lincoln County shall be marketed and the revenues from the marketing process shall be placed back into the recycling program.
- E. Lincoln County will follow all state and federal rules and regulations regarding the disposal and recycling of certain solid wastes that have been banned from disposal in sanitary landfill. (used oil, white goods, yard waste, lead-acid batteries, scrap tires, etc...)

XV. HAZARDOUS, LOW-LEVEL NUCLEAR AND MEDICAL WASTE DISPOSAL

All individuals who produce hazardous, low-level nuclear and medical wastes in Lincoln County shall collect, transport, and dispose the wastes in a manner consistent with federal, state and local rules and regulations.

XVI VIOLATIONS

A. MISDEMEANORS

Any person, firm or corporation who violates any provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty (30) days. Each day that a violation continues to exist shall be considered to be a separate offense, provided the violation is not corrected within thirty (30) days after notice of the violation has been given.

In addition to the other remedies cited in this Ordinance for the enforcement of these provisions, these regulations may be enforced through the issuance of citations by Lincoln County. These citations shall be in the form of a civil penalty. The County may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within seventy-two (72) hours after being cited for a violation. In addition, failure to pay the civil within seventy-two (72) hours may subject the violator to criminal charges.

B. CIVIL PENALTIES

The following penalties are hereby established:

Warning Citation	Correct Violation Within 10 Days
First Citation	\$25.00 (Correct Violation Within 10 Days)
Second and Subsequent Citations for Same Offense	\$50.00 per day for 1st-7th day \$100.00 per day for 8th-14th day \$150.00 per day for 15th-21st day \$200.00 per day for 22nd-28th day \$250.00 per day thereafter

The Solid Waste Coordinator shall have the discretion to stay the accrual of civil penalties pending reasonable efforts by the violator to correct the violation.

Repeat Violations: After having been once cited for a violation, a violator shall be subject to the following civil penalties for any additional violation within the following 12-calendar-month period: For a second violation within said period, civil penalties will begin at \$100 per day for each day that the violation continues and will escalate according to the following schedule: \$150 per day for the 8th through the 14th days, \$200 per day for the 15th through the 21st days, \$250 per day for the 22nd through the 28th days, and \$300 per day for each day that the violation continues beyond the 28th day. A third violation during the same period shall subject the violator to civil penalties beginning at \$200 per day and escalating in a similar fashion for as long as the violation continues.

If the offender fails to pay the civil penalties within twenty (20) days after having been cited, the County may recover the penalties in a civil action in the nature of debt.

These civil penalties are in addition to any other penalties which may be imposed by a court of law for violation of the provisions of this Ordinance.

In addition to the foregoing enforcement provisions, this Ordinance may be enforced by any remedy provided in North Carolina General Statute 153A-123, including, but not limited to, all appropriate equitable remedies issued from a court of competent jurisdiction as provided in General Statute 153A-123(d) and particularly the remedy of injunction and order of abatement as allowed by North Carolina General Statute 153A-123(e).

This Ordinance specifically provides that each day's continuing violation is a separate and distinct offense.

XVII SEPARABILITY

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

XVIII. EFFECTIVE DATE

Adopted this 28th day of June, 1993.

C. Harry Huss, Chairman
Board of Commissioners

AMENDMENTS

Section XVI.B

Civil Penalties

July 22, 2008

19-20