

AMENDED
SOLID WASTE MANAGEMENT ORDINANCE
for
ROBESON COUNTY, NORTH CAROLINA
(November 20, 2023)

PREAMBLE

WHEREAS, the Robeson County Board of Commissioners, hereinafter the “Board”, continues to recognize the need to periodically update its Solid Waste Management Ordinance; and

WHEREAS, the Board continues to recognize the need to provide both short-term and long-term strategies for addressing solid waste management issues and ensuring protection of the County’s natural resources; and

WHEREAS, the Board desires to finance the Solid Waste Management Program through user fees and tipping fees, based on the volume or weight of solid waste disposed in County facilities; and

WHEREAS, the Board has provided funds to make available to the citizens of Robeson County, full service recycling and solid waste collection sites which are staffed, secure and professionally operated; and

WHEREAS, the Robeson County Solid Waste Department seeks to strictly enforce the provisions of State and local laws pertaining to solid waste management, illegal dumping and littering within the unincorporated areas of Robeson County, including streamlined and enhanced enforcement procedures; and

WHEREAS, the Board has committed to provide a public education campaign to encourage Robeson County residents to utilize the most responsible methods of solid waste collection, transportation, disposal, and recycling.

NOW, THEREFORE, BE IT ORDAINED BY THE ROBESON COUNTY BOARD OF COMMISSIONERS, AS FOLLOWS:

SECTION 1.

ENACTMENT:

This Ordinance establishes regulations for the storage, collection, recycling, transportation and disposal of solid waste within Robeson County, and enforcement thereof, as required by state law.

SECTION 2.

PURPOSE AND STATUTORY AUTHORITY:

The purpose of this Ordinance is to regulate, and to pursue

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PURPOSE AND STATUTORY AUTHORITY:

The purpose of this Ordinance is to regulate, and to pursue enforcement when necessary, the storage, collection, transportation, and disposal of waste in Robeson County. This Ordinance is adopted pursuant to the authority contained in G.S. 153A-82, G.S. 153A-121, et seq., 132.1, 136, 274 et seq., 278, and 291 et seq., 293, and 130A-309, et seq., 309.09A, 309.09B, and 309.09D.

SECTION 3.

APPLICABILITY:

Unless otherwise indicated, the Ordinance applies to both publicly owned and privately owned non-hazardous solid waste management facilities located within the unincorporated area of Robeson County and to incorporated municipalities by agreement with the County. It shall be unlawful for any person to dispose of solid waste in a manner inconsistent with this Ordinance.

SECTION 4.

DEFINITIONS:

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

1. Agreement:
Shall mean a written contract between Robeson County and a contractor.
2. Aluminum Can:
A cylindrical receptacle typically used to hold beverages.
3. Board:
Shall mean the Board of County Commissioners of Robeson County, North Carolina.
4. Bulky Waste:
Large items of solid waste such as furniture, large non-ferrous oversized waste whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.
5. Collection:
The act of removing solid waste (or materials that have been separated for the purpose of recycling) processing facility or disposal facility.
6. Commercial Solid Waste:
All types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing

activities, excluding residential, and industrial waste, and municipal solid waste generated by "home occupations."

7. Compactor:

Shall mean any container which has a compaction mechanism, whether stationary or mobile.

8. Composting:

The controlled decomposition of organic waste by naturally occurring bacteria, yielding a stable, humus-like, pathogen-free final product resulting in volume reduction of 30% - 75%.

9. Construction and Demolition Waste:

Solid Waste resulting solely from construction, remodeling, repair, or demolition operations on buildings, or other structures, but does not include inert debris, land-clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete, or similar non-hazardous material. For the purpose of this Ordinance, abandoned manufactured homes, mobile homes, burned or partially burned structures and other uninhabited structures which are declared unsafe or unfit for repair by the Robeson County Community Development Director or designate, will be demolition waste.

10. Container:

Shall mean any roll-on/roll-off box that is used to collect solid waste, and any dumpster or other similar solid waste receptacle that is designed or intended to be mechanically dumped into a loader-packer type truck.

11. Contract:

Shall mean the written agreement between a contractor and a customer that describes the terms and conditions under which the contractor shall provide Commercial Solid Waste Collection Service.

12. Contract Administrator:

Shall mean the Solid Waste Director of Robeson County.

13. Contractor:

Shall mean any licensed garbage, recycling and/or solid waste hauler, regardless of form of business organization.

14. Robeson County Solid Waste Facilities:
Collective term meaning all county owned and operated disposal facilities including, but not limited to, the sanitary landfill, transfer station, demolition area, tire disposal area, yard waste disposal area, recycling and solid waste sites.
15. Customer:
Shall mean a person, business, company, corporation, industry or institution that obtains commercial solid waste collection service from a licensed contractor.
16. Designated Facility:
Shall mean a facility designated in writing by the County for the processing or disposal of the solid waste delivered by a contractor in accordance with this Ordinance.
17. Effective Date:
Shall mean the date when this Ordinance is signed after its adoption by the Board of Commissioners for Robeson County.
18. Franchise Agreement:
Shall mean a non-exclusive long-term franchise agreement from the County for the collection of residential, commercial, industrial, construction and demolition solid waste in the service area. To satisfy this definition, a franchise agreement must have a minimum term greater than one year and must require the franchisee to deliver residential, commercial, industrial, construction and demolition solid waste to the designated facility.
18. Garbage:
All putrescence waste, including animal parts and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.
19. Garbage Cart:
Shall mean any commonly available solid waste receptacle, made of light gauge steel, plastic, or other non-absorbent material, closed at one end and open at the other, furnished with a closely fitted top or lid and handle(s), and having a capacity of at least 64 gallons.
20. Habitual Violator:
Any contractor who is determined to have violated the terms of this Ordinance more than 3 times.

21. Hazardous Waste:
Solid waste, or a combination of solid waste, that because of its quantity, concentration or physical, chemical, or infectious characteristics may:
- a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - b. Pose a substantial present, or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
22. Incineration:
The process of burning solid, semi-solid or gaseous combustible wastes to an inoffensive gas and a residue containing little or no combustible material.
23. Industrial Solid Waste:
Solid Waste generated by industrial processing and manufacturing.
24. Inert Debris:
Solid waste that consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.
25. Institutional Solid Waste:
Solid waste generated by educational, health care, correctional, and other institutional facilities.
26. Land-Clearing Debris:
Solid waste that is, generated solely from land-clearing activities.
27. Licensed Solid Waste Hauler:
Any licensed individual, corporation, company, association, partnership, unit of government or other legal entity permitted and approved as a solid waste collector by the Robeson County Solid Waste Director.
28. Medical Waste:
Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research

pertaining thereto, or in the production or testing of biological, but does not include any hazardous waste, radioactive waste, household waste as defined in 40 C.F.R. 2521.4 (b) (1), or those substances excluded from the definition of “solid waste” in this Ordinance.

29. Municipal Solid Waste:

Solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Municipal solid waste does not include hazardous waste, sludge, or solid waste from mining or agricultural operations.

30. Municipal Solid Waste Management Facility:

Any publicly or privately-owned solid waste management facility permitted by the North Carolina Department of Environmental Quality that receives municipal solid waste for processing, treatment, or disposal.

31. Pathological Waste:

Human tissues, organs, and body parts, and the carcasses and body parts of any animal that were known to have been exposed to pathogens that are potentially dangerous to humans, during research, or were used in the production of biological, or in vitro testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.

32. Person:

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

33. Putrescence:

Solid waste capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen waste, offal, and animal carcasses.

34. Processing:

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.

35. Radioactive Waste:
Waste containing any material, whether solid, liquid, or gas, that emits ionizing radiation spontaneously.
35. Recovered Materials:
Shall mean metal, paper, glass, plastic, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for use that constitutes disposal. Recovered materials are not solid waste.
36. Recycling:
The process by which solid waste or recovered materials are collected, separated, or processed, and reused or returned to use in the form of raw materials or products.
37. Recycling and Solid Waste Collection Sites:
A facility owned and operated by Robeson County consisting of containers and/or compactors and other appurtenances for the collection of recyclables and solid waste.
38. Refuse:
Solid waste, other than putrescence garbage or ashes, from residences, commercial establishments, and institutions.
39. Regulated Medical Waste:
Blood and body fluids in individual containers in volumes greater than 20 ml., micro-biological waste, and pathological waste that has not been treated pursuant to industry standards.
40. Residential Garbage:
Solid waste generated from households such as refuse or putrescence type waste.
41. Resource Recovery:
The process of obtaining 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.
42. Construction and Demolition Landfill:
A disposal facility or part of a disposal facility where waste is placed in or on land, and that is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste

facility. A facility for disposal of solid waste on land in a sanitary manner in accordance with rules concerning sanitary landfills adopted pursuant to G.S. Chapter 130A, Article 9.

43. Scrap Tire:

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

44. Septage:

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.

45. Service Area:

Shall mean all of the unincorporated areas of Robeson County.

46. Sharps:

Needles, syringes, and scalpel blades.

47. Sludge:

Any solid, semisolid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects.

48. Solid Waste:

Any hazardous or non-hazardous 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 discarded, or has served its original intended use and is generally discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. The term does not include:

- a. Fecal waste from animals, fowls other than humans;
- b. Solid or dissolved material in
 1. Domestic sewage and sludge generated by treatment thereof in sanitary sewage collection, treatment, and disposal

- systems that are designed to discharge effluents to surface waters;
2. Irrigation return flows; and
 3. 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 the Federal Resources, Conservation and Recovery Act shall also be a solid waste for purposes of this definition;
 4. Oils and other liquid hydrocarbons controlled Under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under the Federal Resources, Conservation and Recovery Act shall also be a solid waste for purposes of this definition;
 5. Any source, special nuclear or by-product material defined by the Atomic Energy Act of 1954, as amended (42 U. S. C. 2011);
 6. Mining refuse covered by the North Carolina Mining Act, G.S. 74-76 et seq., 74-68 and regulated by the North Caroling Mining Commission. However, any specific mining waste that meets the criteria for hazardous under the Federal Resources, Conservation and Recovery Act shall also be a solid waste for the purpose of this definition.

49. Solid Waste Collector:

Any person who collects or transports solid waste.

50. Solid Waste Disposal Site:

A permitted location at which solid waste is disposed of by incineration, sanitary landfill, or other approved method.

51. Solid Waste Receptacle:
Container used for the temporary storage of solid waste while awaiting collection.
52. Source Separation:
Setting aside recyclable materials at their point of generation by the generator.
53. Tires:
A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G. S. 20-4.01 (23).
54. Transfer Station:
A permitted site at which solid waste is concentrated for transport to a processing facility or disposal site. A transfer station may be fixed or mobile.
55. Uncontrollable Forces:
Shall mean any event which results in the prevention of performance by a party of its obligations under this Agreement and which is beyond the reasonable control of the nonperforming party. Uncontrollable forces include but are not limited to fire, flood, hurricanes, earthquakes, storms, lightning, epidemic, war, riot, civil disturbance, sabotage, and governmental actions.
56. Used Oil:
Any oil that has been refined from crude oil or synthetic oil and, as a result of age, storage, or handling, has become unsuitable for its original purpose.
57. White Goods:
Inoperative and discarded refrigerators, unit air conditioners, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.
58. Yard Trash:
Solid waste consisting solely of vegetative matter resulting from landscaping maintenance, including grass, leaves, branches and similar organic material.

SECTION 5.

GENERAL SOLID WASTE DISPOSAL:

As a public service, the Robeson County Board of Commissioners, by and through the Robeson County Solid Waste Department, obtained the necessary permit, Permit #78-03, in order to operate an authorized sanitary landfill, a demolition area, and tire disposal area, yard waste disposal area, recycling and solid waste collection sites to serve the citizens of Robeson County. These facilities shall be utilized in accordance with the terms and conditions of this ordinance and in compliance with applicable state and federal regulations.

SECTION 6.

PROHIBITED SOLID WASTE ACTIVITIES:

- (A) It shall be unlawful for any person to throw, dump, or causes to be dumped any garbage, refuse, rubbish, litter, junk, appliances, equipment, cans, bottles, paper, lumber, building materials, trees, tree limbs, brush, or other forms of solid waste anywhere in the unincorporated areas of the County, except as may be permitted by County regulations, without the expressed written authorization of the Robeson County Manager and/or designee.
- (B) The provisions of subsection (a) above do not apply to the dumping on private property, with the owner's permission, of inert waste, including but not limited to sand, dirt, broken brick, blocks or broken pavement or to the suitable material which would not create a nuisance or health hazard provided the owner or owners of the property on which such material is dumped meet state health department requirements.
- (C) If any of the material dumped in violation of the provisions of subsection (A) above can be identified as having last belonged to, been in the possession of, sent to or received by, or to have been the property of any person prior to its being dumped as prohibited herein, such identification shall be prima facie evidence that such person dumped or caused to be dumped such matter or material in violation of this Ordinance.
- (D) Every county resident shall be responsible for ensuring that the solid waste generated by their home or business is properly disposed of at the County Landfill, or by contracting with an approved solid waste collector, or disposed at a Recycling and Solid Waste Collection Center.

- (E) Demolition waste may constitute a hazard or attractive nuisance; thus, property owners shall properly dispose of such demolition waste within thirty (30) days of its creation. Failure to do so subjects the property owner to penalties set out herein.
- (F) No person shall allow the accumulation of discarded and inoperative refrigerators, air conditioners, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.
- (G) No person shall allow the accumulation of scrap tires on their property. Businesses who generate scrap tires through the retail sale of new tires are prohibited from allowing the accumulation of more than 200 tires at any given time.
- (H) Improper Storage of Scrap Tires: Any person or business who improperly disposes of scrap tires or exceeds the maximum accumulation of scrap tires is subject to a civil penalty of \$250.00. See Section 10D also.

SECTION 7.

APPROVED SOLID WASTE DISPOSAL METHODS:

No person shall dispose of any solid waste in Robeson County except by one of the following methods. However, this section shall not be construed so as to prevent any person from properly disposing of items on his own property, as may be permitted by this ordinance, state and federal regulations:

- (A) Approved sanitary landfill;
- (B) Approved demolition area;
- (C) Approved Recycling and Solid Waste Collection Site;
- (D) Approved solid waste incinerator;
- (E) Approved recycling or reclaiming operation;
- (F) Approved private recycling or solid waste container;
- (G) Approved yard waste disposal area; and
- (H) Approved transfer station.

SECTION 8.

OPEN BURNING:

Open burning of solid waste is prohibited, except that nothing in this Ordinance shall prohibit controlled burning regulated by the N.C. Division of Forest Resources or the burning of yard trimmings. It is illegal to burn:

- (A) Garbage, paper or any municipal solid waste;
- (B) Construction and demolition waste, including lumber and wood scraps;
- (C) Wire, plastics and synthetic materials;
- (D) Combustible liquids;
- (E) Scrap tire and other rubber products; and
- (F) Other waste without a permit from the N.C. Division of Air Quality

In the event that any provisions of this Ordinance conflict with the regulations of any North Carolina and/or Federal laws and regulations, the North Carolina and/or Federal laws and regulations shall control.

SECTION 9.

OPERATIONAL POLICIES:

The following operational policies, unless otherwise stated, shall be applicable to the sanitary landfill, transfer station, demolition area, tire disposal area, yard waste disposal area, recycling and solid waste collection sites, recycling handling facilities and other such facilities as the Robeson County Manager may authorize.

- (A) The solid waste facilities are operated as authorized by the Board under the supervision of the County Solid Waste Director, or designee.
- (B) Solid waste facilities shall be open on such schedule as may be established by the County Manager and/or the Robeson County Solid Waste Department. Facilities will be open to the public only when a Robeson County employee or agent is on duty and the gate is open.
- (C) Open burning of solid waste on site is prohibited.

- (D) Vehicles shall observe the posted speed limit of 10 m.p.h. and all other directional signs.
- (E) Children younger than twelve (12) years of age must remain inside their vehicles at all times while at the County Landfill.
- (F) Recycling and Solid Waste Collection Sites are intended for use only by households and businesses located within the unincorporated area of the county or by incorporated municipality as may be authorized by law.
- (G) Loitering and scavenging are prohibited at all Robeson County waste facilities; further, salvaging is prohibited unless authorized by the Solid Waste Director or designee.
- (H) Solid waste shall be observed and inspected for prohibited materials. Persons delivering solid waste to the County landfill facilities shall upon request define the full nature, content, and source of all materials delivered. All solid waste delivered to the County Solid Waste Facilities must be separated into various categories and disposed of in the appropriate area. Vehicles arriving with mixed loads will be instructed on the proper disposal area(s). Solid waste will be accepted only in the appropriate disposal area. Persons disposing of unacceptable materials may be required to remove such materials at the discretion of the County Solid Waste Director or his designee. All costs incurred by the county for the removal of prohibited material shall be recoverable from the person disposing of such material and/or from the persons generating such material.
- (I) Solid waste shall be disposed of at these facilities in the manner and according to procedures established by the County Solid Waste Director or his representative. It shall be the responsibility of persons generating solid waste to ensure that such solid waste is disposed of in accordance with the requirements of this Ordinance.
- (J) No person may discharge firearms, fireworks, or explosives on any solid waste facility property.
- (K) Effective upon the signing of this amended Ordinance, at all times when entering and/or exiting, and at all times when on

the property known as the Robeson County Landfill site, including the paved roadway to and from and connecting to N.C Highway 20, all solid waste collectors must maintain appropriate and effective load coverage, excepting on site load inspection and load discharge. See also Section 21(C) of this amended Ordinance.

SECTION 10. LANDFILL MANAGEMENT:

(A) The County Landfill may be used for the disposal of solid waste by county businesses, residents and nonresident property owners. The landfill shall be open during business hours as established by the Robeson County Manager. In emergencies, the landfill may be opened for additional hours as directed by the county manager or manager's representative. Except when open during regular business hours, the landfill shall be kept locked, and entry shall not be permitted. Solid waste shall be disposed of at the landfill in the manner and according to procedures established by the County Solid Waste Director or his representative.

(B) The following waste may not be disposed of in the County Sanitary Landfill or in privately-owned municipal solid waste landfill:

1. Burning or smoldering materials, or any other materials that would create a fire hazard;
2. Hazardous waste;
3. Lead-acid batteries;
4. Liquid waste;
5. Untreated regulated medical waste;
6. Radioactive waste;
7. Used oil;
8. White goods;
9. Antifreeze;
10. Aluminum cans;
11. Yard waste;
12. Corrugated cardboard; and
13. Asbestos.

(C) The following waste may be disposed of at the Robeson County Landfill on a conditional basis only. State regulations require that this waste receive special treatment before it is placed in a landfill. Twenty-four hours notice must be given to the landfill operator prior to the delivery of barrels and/or

sharps. Conditionally acceptable waste may be disposed of in accordance with Department regulations and policies promulgated by the County Solid Waste Director and adopted by the Board of Commissioners. Generators of conditionally acceptable waste shall obtain prior approval from the landfill operator at least three working days before transporting conditionally approved wastes to the landfill.

- D. Scrap tires must be transported directly to the approved location at the Robeson County Sanitary Landfill, or recycled or reused in a manner permitted under State and Federal law. Further, scrap tires may be transported directly to any other tire disposal facility permitted under State and Federal law. Individuals and firms generating in excess of 25 scrap tires per year, shall file a report with the County Solid Waste Director every January 1st, on a form supplied by that office.

SECTION 11. RECYCLING AND SOLID WASTE COLLECTION SITES:

Container sites for solid waste and recyclable materials shall be provided throughout the county for use only by households within the unincorporated area of the county.

SECTION 12. COLLECTION SITE DISPOSAL RESTRICTIONS:

The Recycling and Solid Waste Container Sites are not intended for collection of large, bulky items or materials requiring specialized handling. The following items shall not be acceptable for deposit in the containers:

- (A) Liquid used motor oil and transmission fluid may be accepted in designated containers;
- (B) Lead-acid batteries except in designated area;
- (C) Construction debris except in limited quantities;
- (D) Demolition debris except in limited quantities;
- (E) Any waste collected for a fee, charge, tax, or other compensation;
- (F) Furniture, white goods, or scrap metals except in designated container;

(G) Roofing materials; however, no greater than the equivalent of one (1) square of shingles.

(H) Commercial, industrial, or institutional waste;

(I) Aluminum cans except in designated containers;

(J) Sharps unless contained in a rigid, leak-proof, puncture resistant container; and

(K) Any item not acceptable at the County Landfill.

SECTION 13. DEPOSIT OF MATERIALS IN CONTAINERS:

All solid waste shall be placed inside the appropriate on-site container. Materials deposited in the containers such as cardboard boxed and other packaging materials shall be reduced to its smallest volume by bending, breaking and compressing the material before placing it into the containers. No solid waste, bagged, or loose, may be left at the solid waste receptacle site on the ground or outside the receptacle.

SECTION 14. RECYCLABLES:

Containers shall be designated for the deposit of acceptable recyclable materials. Recyclable materials shall be placed inside the appropriate container.

SECTION 15. INDUSTRIAL WASTE:

Industrial waste shall not be deposited at the container sites. Industrial waste shall be disposed of at the County Landfill or other approved disposal areas.

SECTION 16. DISPOSITION OF CONTRACT COLLECTIONS:

No solid waste which has been collected by a contract hauler for a fee, charge, tax, or other compensation shall be accepted at the various County's Recycling and Solid Waste Collection Sites. Such waste shall be disposed of at the County Landfill or other approved solid waste facilities.

SECTION 17. TIRE DISPOSAL AREA:

The tire disposal area shall serve as a collection point for discarded automobile tires, truck tires, tractor tires, etc. All tires must be stacked neatly in the collection trailer as to take advantage of the maximum storage capacity of the trailer.

SECTION 18. FEES:

General:

The cost of providing the solid waste management program in the county shall be recovered by tipping fees. These fees are intended to recoup the cost of operating solid waste collection, recycling, and disposal facilities. Fees will be in accordance with the current schedule of fees adopted by the Board of Commissioners. As provided by state law, fees can only be utilized for the specific purpose for which they were collected.

(A) Disposal:

All solid waste will be weighed and a disposal fee will be charged based on weight to cover the cost of disposal in the designated area. When scales are inoperable, the fee schedule will be based on volume. The amount of the disposal fee will be in accordance with the current schedule of fees adopted by the Board of Commissioners.

(B) Payment of Disposal Fees:

Unless prior arrangements have been made with the County Solid Waste Director for periodic billing, all haulers must pay applicable disposal fees at the time the solid waste is delivered. Regular billings will be accomplished in a manner as authorized by the Board of Commissioners. Interest in the amount of one and one-half percent (1½%) per month will be added to unpaid balances. Additional credit will be withheld on delinquent accounts as directed by the Director of Robeson County Waste. Fees equivalent to all expenses, including bank charges, but not less than \$35.00 will be charged for each returned check.

(C) Recyclable Materials:

There will be no fee charged for acceptable recyclable materials that have been properly separated from the municipal solid waste stream by category. The County Solid Waste Director or his authorized personnel shall determine the acceptability of recyclable materials.

SECTION 19.

SOLID WASTE STORAGE:

General Storage:

No owner, occupant, tenant, or lessee of any property may deposit, store, or permit to accumulate any solid waste upon his property that is not stored or disposed of in a manner consistent with the requirements of this Ordinance.

(A) Storage of Solid Waste:

Refuse shall be stored in a manner that will not provide harborage to rodents and vermin and which will not create a fire hazard, health hazard, or public nuisance.

(B) Removal of Solid Waste:

The owner, occupant, tenant or lessee of any property shall remove or cause to be removed all solid waste from their property at such intervals so as not to create a fire hazard, health hazard or public nuisance. It shall be unlawful for any person to allow garbage or refuse to accumulate or remain on any premises for longer than is reasonably necessary to remove and properly dispose of same as required herein. In the event the site where solid waste is located is unoccupied, the Director of Robeson County Solid Waste or his designee shall notify the property owner in writing that he/she has thirty (30) days to remove the solid waste. Failure to comply will subject the property owner to civil penalties and the costs of clean-up, as set out in Section 24 of this Ordinance; and further, unpaid penalties and costs will constitute a lien on the property and shall be collected as any other delinquent tax.

(C) Abandoned Refrigerator Storage:

No person shall leave outside or any building or dwelling in any place accessible to children, any abandoned or unattended refrigerator, freezer, ice box or other airtight receptacle without first removing the door or locking the door closed.

SECTION 20.

LANDFILL ENTRY REGULATIONS:

General:

Solid waste within Robeson County shall be collected and transported according to the following requirements of this Ordinance and any applicable State law.

- (A) The entry into the County Solid Waste Facilities of any vehicle signifies the consent of the owner and driver of that vehicle for its solid waste contents to be inspected so that the county can insure that no prohibited substance is brought into the area.
- (B) All vehicles used to collect, transport, and deposit waste at the County Solid Waste Facilities may be required to supply information giving the name and address of the owner of the vehicle, the source and type of waste to be deposited, and the weight and size of the vehicle.
- (C) All vehicles and containers used for the collection of solid waste or refuse collection shall be leak proof and covered with a canvas or other durable material to assure that there is no spillage or scattering of waste. If spillage or scattering should occur, the material shall be picked up immediately by the driver of the vehicle from which it came and returned to the vehicle or container and the area properly cleaned. Vehicles and containers in which refuse or solid waste is hauled shall be cleaned to prevent odor or any another nuisance condition.
- (D) All vehicles which are non-self-unloading shall arrive at the County Landfill no later than the posted operational hours for non-self-unloading vehicles. Such vehicles will be subject to control by the County Solid Waste Director so as to minimize vehicle congestion and provide easy access to the fill site for self-unloading vehicles.
- (E) All vehicles, both private and commercial, used for the transportation of solid waste or other items to be disposed of at County Solid Waste facilities shall be covered or loads secured by some effective means to prevent the spillage or loss of waste while being transported. "Effective means" shall mean durable, heavy plastic or canvas tied down or secured to cover the entire load, front to rear and side to side. Loads consisting of building rubbish, limbs, or bulky items shall be secured with rope or tie downs to assure spillage does not occur.

(F) No vehicle shall be allowed to deposit waste at the County Solid Waste Facilities unless the waste is enclosed in the vehicle or secured by methods stated in this section. The County Solid Waste Director or his representative shall determine the adequacy of the covering and his decision shall be final.

(G) It shall be the responsibility of the driver of the vehicle to inform and get consent from the County Solid Waste Director concerning delivery of items requiring special handling or immediate covering.

SECTION 21.

ENFORCEMENT:

Enforcement Officers:

The rules and regulations prescribed in this Ordinance shall be enforced by the department head or other authorized personnel of the Robeson County Manager's Office, County Solid Waste Director, County Environmental Officers, Health Department, Sheriff's Department, County Community Development Department and other appropriate agencies having duties and responsibilities in the areas of health, solid waste disposal and law enforcement. These agencies are hereby empowered to issue warning notices, as well as citations, both civil and/or criminal, upon a violation of this Ordinance.

SECTION 22.

PENALTIES:

General:

The County may exercise any of the following remedies as authorized by North Carolina General Statute, up to and including civil and criminal penalties, as follows:

Refusal of Use of Solid Waste Facility:

The County Solid Waste Director may revoke licenses, and or may deny use of County collection, disposal, transfer and recycling facilities in the following conditions:

- (A) The vehicle does not display the proper identification;
- (B) The vehicle is hauling prohibited waste;
- (C) The driver refuses to pay the appropriate disposal fee as established by this Ordinance;
- (D) There is an unpaid balance of disposal fees due to the County;

- (E) The vehicle is hauling mixed solid waste which requires various types of handling or disposal to accommodate a single load;
- (F) The vehicle or containers are not properly covered or load secured;
- (G) The licensed solid waste hauler fails to reach the minimum recycling goals by the dates required;
- (H) The licensed solid waste hauler violates other provisions of this Ordinance.

SECTION 23. RESTITUTION FOR DAMAGES:

The County shall be entitled to seek restitution for damages or extra expenses including the cost of cleanup, resulting from any violation of this Ordinance. Actual charges will be based on the direct cost to the County. County employees or the County's authorized contractor shall be granted permission to access private property upon conviction of any violation of this Ordinance for this purpose of correcting the violation.

SECTION 24. CIVIL AND CRIMINAL PENALTIES:

Robeson County, by and through any and all enforcement officers, has the option in appropriate circumstances to assess civil penalties and/or criminal charges and penalties, pursuant to G.S. 153A-123.

CIVIL PENALTIES: The civil penalties for littering, scavenging, illegal dumping, improper storage, dumping in water ways, improper transportation, littering at the Solid Waste Facility, improper corrugated cardboard disposal and any other provisions of this Ordinance, excluding hazardous waste violations, shall be as follows:

Any person who is found in violation of this Ordinance, unless otherwise stated, shall be subject to a civil penalty not to exceed five hundred dollars (\$500.00) payable to the Robeson County Solid Waste Department within thirty (30) days of receiving notice of the violation. In assessing civil penalties under this Ordinance, the County Solid Waste Director or his designee shall consider such of the following factors as are pertinent in setting civil penalties:

- (A) The estimated amount and quantity of the improperly disposed solid waste; and
- (B) Steps taken by the person to try to comply; and
- (C) The number of communications with the offender prior to the subject violation.; and
- (D) The number of previous violations.

Note well: The offender is subject to an additional daily civil penalty equal to the original civil penalty for each day after the first day of notice for up to ten (10) days, until the violation is corrected to the satisfaction of the Director of Robeson County Solid Waste or his designee. In the event that the offender has not complied within thirty (30) days from the original notice by eliminating the conditions that gave rise to the violation, the County, in its sole discretion, may seek an injunction and/or file a public nuisance abatement lawsuit in the Superior Court of Robeson County.

CRIMINAL PENALTIES: Robeson County adopts and incorporates North Carolina's littering statute, G.S. 14-399, as if fully set out herein, and as such, it may, in appropriate circumstances, bring criminal charges as provided for in the statute; and further, Robeson County may, in appropriate circumstances, bring criminal charges for any and all other violations set out above in the Civil Penalties section of this Ordinance. The minimum criminal penalty (fine) for violation of this Ordinance is \$50.00 and the maximum is \$500.00 and will be determined by the Court wherein the matter is finally heard.

SECTION 25.

EQUITABLE ENFORCEMENT:

The provisions of this Ordinance may be enforced by equitable remedies; thus, any unlawful condition that continues to exist or continues to be in violation of his Ordinance may be enforced by injunction and/or Public Nuisance Abatement action.

SECTION 26.

NON-COUNTY RESIDENTS:

All fees and financial penalties in this Ordinance shall apply for non-county residents, including out-of-state residents, at a rate that is double the in-County fee or penalty.

SECTION 27. SEVERABILITY:

If any section of this Ordinance is held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

SECTION 30. OTHER PROVISIONS:

Transfer of Ownership:

Upon receipt at the County facilities, ownership of all acceptable solid waste and recyclables passes to the County.

Violations General:

It shall be the duty and responsibility of each citizen to dispose of their solid waste as required by this Ordinance. It shall be a violation of this Ordinance for any person to store, collect, transport, or dispose of any solid waste in a manner inconsistent with the requirements of this Ordinance.

Illegal Dumping:

If any solid waste disposed of in violation of this Ordinance can be identified as having last belonged to, been in the possession of, sent to or received by, or has been the property of any person prior to being disposed of, such identification shall be presumed to be prima facie evidence that such person disposed of or cause to be disposed of such solid waste in violation of this Ordinance.

Vandalism:

No person shall loiter, congregate or leave any vehicle unattended on any County-owned solid waste facility.

Prosecution:

In addition to or in lieu of the civil penalties described herein, violations of this Ordinance may be prosecuted as misdemeanors in accordance with the General Statutes of North Carolina. In the case of criminal violations, each day a violation occurs or continues to occur shall be a separate offense and that person or firm in violation of this Ordinance shall be subject to a fine not exceeding five hundred dollars (\$500.00) and imprisonment not exceeding thirty days (30) for each offense.

Good Neighbor Provision:

The tipping fee may be waived by the facility attendant for an individual who cleans up trash or other solid waste which was

complaint. The County Manager or his designee shall record the complaint, investigate and take such actions as may be necessary to enforce this Ordinance.

Liability:

The County provides the solid waste facilities as a public service. However, the County nor its employees shall be liable for damages to personal property nor personal injury resulting from the use of these facilities.

Appeals:

The offender may appeal any civil citation issued herein within ten (10) days of original notice. The notice of appeal must be in writing and timely delivered to the Robeson County Solid Waste Director. A designated Assistant County manager shall, within a reasonable time, hear and decide all appeals from civil citations made as a result of enforcement of this Ordinance.

Duty to Keep Private Property Clean:

It shall be the duty of the owner, agent, occupant or lessee to keep exterior private property free of litter. This requirement addresses materials such as those that are, or may become, trapped at such locations as a fence, wall bases, grassy and planted areas, borders, embankments and other lodging points. If after due warning and/or citation, an owner, agent, occupant or lessee fails to remove litter from any private property, the Director of Robeson County Solid Waste, or his designee, is authorized to serve written notice to the owner, or his appointed agent, that if the condition is not corrected within thirty (30) days, the property may be cleaned by an agent of Robeson County Solid Waste and the owner will be billed for the costs thereof; and further, if the bill is not paid within forty-five (45) days of presentation, a lien will attach to the property until satisfied, and may be collected as any other delinquent tax.

The original Robeson County Solid Waste Ordinance was adopted by the Robeson County Board of Commissioners on September 18, 2006, amended thereafter on May 6, 2013 and on June 7, 2021. This newly amended Ordinance was adopted and approved by the Robeson County Board of Commissioners on November 20th, 2023. The effective date of this newly amended Solid Waste Ordinance is the date that the Chair of the Robeson County Board of Commissioners signs below.

This the 20th day of November, 2023.



Tom Taylor, Chair
Robeson County Board of Commissioners

ATTESTED BY:



Tamala Freeman, Clerk
Robeson County Board of Commissioners

