

ORDINANCE GOVERNING SOLID WASTE

IN THE TOWN OF CAJAH'S MOUNTAIN, NORTH CAROLINA



The Council of Cajah's Mountain, having considered the necessity of the adoption of an ordinance regulating the storage, collection, transportation, disposal, and management of solid waste in the Town of Cajah's Mountain, North Carolina, and having found that such an ordinance is in the best interest of the general welfare, health and safety of the people of Cajah's Mountain, does hereby enact the following ordinance.

Section I. Purpose

The purpose of this ordinance is to regulate the storage, collection, and disposal of solid waste within the corporate limits of Cajah's Mountain. Unless otherwise indicated, the ordinance applies to publicly owned and privately owned municipal solid waste management facilities located in Cajah's Mountain, private properties in residential districts R-20 and RA-20, and B-1, O-I, and M-1 districts as defined in the Cajah's Mountain Zoning Ordinance.

Section II. Definitions

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

Council or Town Council: The Town Council of the Town of Cajah's Mountain, North Carolina.

Bulky Waste: Large items of solid waste such as household appliances, furniture, motorized vehicles, large auto parts, trees, branches, stumps, and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, procession, or disposal methods.

Citation: An informatory letter, serving as a notice, to correct ordinance violation before fines are bestowed upon property owner.

Collection: 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: All types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial waste.

Compost: Dark, friable, partially decomposed form of organic matter similar in nature to the organic matter in the soil. Compost is suitable for use as a soil conditioner with varying nutrient values.

Composting: The process in which aerobic microorganisms decompose "active" organic materials into a more stable form.

Construction and Demolition Waste: Solid waste resulting solely from construction, remodeling, repair, or demolition operations on buildings, private residences, or other structures, but does not include inert debris, land-clearing debris, yard debris, used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete, or similar nonhazardous material.

Disposal: The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

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

Hazardous Wastes: Solid waste, or combination of solid wastes, which 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.

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

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 such as brick, concrete, rock and clean soil.

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

Land-clearing Debris: Solid Waste that is generated solely from land-clearing activities such as stumps, trees, etc.

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 long-term storage facility or a surface storage facility.

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.

Open Dump: A solid waste disposal site that does not have a permit and/or does not comply with the rules set forth in this ordinance.

Person: An individual, corporation, company, association, partnership, unit of local government, state agency, federal agency or other legal entity. 26. **Putrescible:** Solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal and animal carcasses.

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. 28. Radioactive Waste: Waste containing any material, whether solid, liquid, or gas, that emits ionizing radiation spontaneously.

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.

Refuse: Solid waste, other than garbage or ashes, from residences, commercial establishments, and institutions.

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

Sanitary Landfill: A facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted under N.C. Gen. Stat. 130A, Article 9.

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

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.

Sharps: Needles, syringes, and scalpel blades.

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

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 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 solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, and 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 material in

a. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment, and disposal systems that are designed to discharge effluents to the surface waters;

b. Irrigation return flows; and

c. Any sludges that meet the criteria for hazardous waste under R.C.R.A. shall be considered solid waste for purposes of this definition;

(3) 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 RCRA shall also be a solid waste for the purposes 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);

Solid Waste Collector: Any person who collects and transports solid waste.

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

Solid Waste Generation: The act or process of producing solid waste.

Solid Waste Receptacle: Container used for the temporary storage of solid waste while awaiting collection.

Source Separation: Setting aside recyclable materials at their point of generation by the generator.

Special Wastes: Solid wastes that can require special handling and management including, but not limited to, white goods, whole tires, used oil, and lead-acid batteries.

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

Tire: A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G.S. 20-4.01(23).

Town Manager: The duly designated enforcement officer of the solid waste ordinance so authorized to enforce the provision of this ordinance and other such solid waste ordinances, regulations and laws as such person may be granted authority to enforce; the term Town Manager shall include any duly trained and sworn Deputy Sheriff of the Caldwell County Sheriff's Office working under the authority of the Cajah's Mountain Town Manager and any other person authorized by the Cajah's Mountain Town Council or the Cajah's Mountain Town Manager to enforce the provision of this ordinance.

Transfer Station: A site at which solid waste is concentrated for transport to a processing facility or disposal site. A transfer station may be fixed or mobile.

Unit of Local Government: A county, city, town or incorporated village.

Used Oil: 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: Inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

Yard Waste: Solid waste consisting solely of vegetative matter resulting from landscaping maintenance, such as leaves, grass, limbs, trimmings, etc.

Demolition Contractor: A company or individual that performs the service of deconstruction, removal, and/or recycling of a structure or scrap debris.

Section III. General Conditions

(a) All solid waste management in Cahah's Mountain shall be in accordance and in compliance with "Solid Waste Management Rules" as set forth by the North Carolina Department of Environment, Health and Natural Resources, Solid Waste Management Division, Solid Waste Section.

(b) All solid wastes shall be stored, collected, transported, treated and processed, reclaimed, recycled and disposed of in a manner consistent with the requirements and in the interest of this ordinance.

(c) This ordinance shall NOT be construed to obstruct recycling, composting of organic matter from households or other resource recovery processes.

Section IV. Storage and Disposal

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

(b) The owner, occupant, tenant, or lessee of any property shall be responsible for the storage, collection and disposal of solid waste and shall remove or cause to be removed all solid wastes from his property at least once a week. Inert debris from construction must be removed once a project is finished, or if a project is lengthy in nature, the Town shall determine how often all solid wastes shall be removed from the project site. The owner, occupant, tenant or lessee of property shall ensure that his waste is disposed of at a site or facility that is permitted to receive the waste.

(c) Garbage shall be stored only in a container that is durable, rust resistant, nonabsorbent, water tight, and easily cleaned, with a close-fitting, fly-tight cover in place. 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.

(e) 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.

(f) Solid waste shall be disposed of only in one of the following ways:

1. In a landfill.

2. In an incinerator that has all required local, state, and federal operational and air pollution control permits.

3. By any other method, including reclamation and recycling processes, that has been approved by the Town.

(g) 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.

(h) Vehicles and containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill, and when necessary, shall be secured and/or covered to prevent the blowing of material. If spillage or leakage should occur, the material shall be recovered immediately by the driver, and returned to the vehicle or container, and the area properly cleaned.

(i) All sharps, whether broken or unbroken, shall be placed in a sealed, puncture-proof container prior to disposal. Container shall be properly identified as to the contents thereof.

(k) Open dumping of solid waste is prohibited.

(l) If any object of refuse is discovered upon any lands or waters, in any of the areas of Cahah's Mountain covered by this ordinance, other than an approved sanitary landfill or other proper receptacle, and said refuse bears the name, address or other means of identification of a person or persons, the person(s) so identified shall be presumed to have disposed of said refuse in violation of this Ordinance.

Section V. Solid Waste Container Use

(a) Solid waste receptacles are provided by outside contractors for use by authorized Town residents.

(b) Solid wastes shall be deposited inside the solid waste receptacle. No solid waste may be left outside the receptacle for pickup.

(c) Acceptable recyclable materials shall be placed in the designated containers labeled for that specific item. No person shall deposit in such containers any garbage, waste or other matter except that which is specifically designated and authorized by label.

(d) No person, unless authorized by Cahah's Mountain, may remove any item from a solid waste container, climb on or into a container, or damage any container located inside Town limits.

(e) Materials Not Acceptable

No persons shall place in a solid waste container:

1. Asbestos

2. Bulky Waste

3. Burning or smoldering materials, or any other materials that would create a fire hazard.
4. Commercial, Industrial or Institutional Waste
5. Construction & Demolition Debris
6. Dead animals or parts thereof
7. Hazardous Waste
8. Lead-Acid Batteries
9. Liquid Waste
10. Paint or paint products
11. Radioactive Waste
12. Sharps not properly contained
13. Sludges
14. Special Waste
15. Tires
16. White Goods
17. Yard Waste
18. Other materials as designated by Cajah's Mountain.

Section VI. Administration and Enforcement.

The Cajah's Mountain Town Council authorizes the administration and enforcement of this ordinance. The administration and enforcement of this ordinance shall be vested with the Town Manager, and any duly authorized Solid Waste Enforcement Officer.

Section VII. Violations

The following solid waste management and disposal practices shall be unlawful and considered violations of this ordinance:

- (a) Maintaining, allowing, causing or permitting the accumulation of excessive, unsightly or improperly managed solid waste upon premises owned, occupied or controlled by the violator, in any manner placing or allowing solid waste to remain upon such premises so as to constitute a nuisance, or causing or creating the likelihood of injury to the health, welfare or safety of another person or the likelihood of injury to adjoining property;

(b) Burning solid waste except as permitted by existing fire codes and regulations.

(c) Intentionally or recklessly throwing, scattering, spilling, placing, causing or allowing to be blown, scattered, spilled, thrown or placed, or otherwise disposing of any litter upon any public property or private property not owned by said violator within Cajah's Mountain or into the waters of Cajah's Mountain including, but not limited to, upon any public highway, public park, lake, river, stream, campground, forest land, recreational area, mobile home park, highway, road, street or alley; the occurrence of any of the foregoing acts resulting from transporting solid waste in a vehicle shall constitute a violation.

(d) Intentionally and willfully dumping or depositing any solid waste material on the property owned by the violator or the property of another with or without the consent of the property owner which is inconsistent with proper and lawful solid waste management and disposal practices.

(e) Burying in the earth or submersing in water any solid waste material that is not permitted by proper and legal solid waste management and disposal regulations and practices.

Section VIII. Permissible Methods of Disposal.

The following solid waste management and disposal practices shall be considered permissible and lawful with respect to this ordinance:

(a) Disposal of solid waste in a sanitary landfill or other disposal facility duly authorized and permitted by the North Carolina Department of Environment and Natural Resources;

(b) Disposal of solid waste in an approved incinerator or other heat treating device duly authorized and permitted by the North Carolina Department of Environment and Natural Resources;

(c) Recycling of solid waste utilizing approved lawful practices and available resources and outlets for recycled materials.

(d) Solid Waste allowed by contracted waste collector in appropriate waste container (*Republic Services as of the passing of this ordinance*).

Section IX: Enforcement Measures and Remedies.

Cajah's Mountain may exercise remedies for violation of any provision of this ordinance as allowed and authorized by the North Carolina General Statutes as follows:

1. Civil Penalty: Any person who is found in violation of this ordinance and has been given fifteen (15) days notice by citation issued by the Town of Cajah's Mountain shall be subject to a civil penalty of Fifty and No/100 Dollars (\$50.00) and each day's continuing violation shall be treated as a separate and distinct offense as permitted by law under § 160A-175.. Penalties shall be enforced through a lien on the owner's property where the violation has occurred. Penalty shall be paid before the lien is removed.

Section X. Severability.

If any Section, subsection, sentence, phrase or portion of this ordinance is for any reason invalid or unconstitutional as determined by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section XI. Effective Date.

This ordinance shall become effective upon adoption. This restated ordinance shall become effective on the 3rd day of December, 2018. By: MAYOR ATTEST: CLERK TO THE COUNCIL

Council
Ronnie Setzer, Mayor
Allen Stewart, Mayor Pro Tem
Cheryl Pritchard
Jeff Bolick
Lloyd Robbins



Town Manager
Logan Shook
townmgr@cajahmtn.com

TOWN OF CAJAH'S MOUNTAIN

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Lenoir, North Carolina 28645
Phone (828) 728-5053 • Fax (828) 728-4166

RESOLUTION APPROVING THE TOWN OF CAJAH'S MOUNTAIN SOLID WASTE ORDINANCE

WHEREAS, The Town of Cajah's Mountain is authorized by N.C.G.S. §160A-175 to enact and enforce ordinances to protect and promote the general public's health, safety and welfare; and

WHEREAS, The Town of Cajah's Mountain finds that prohibiting various solid wastes from both residential and commercial properties within the jurisdiction of Cajah's Mountain is necessary and desirable to promote and enhance the attractiveness and aesthetic appearance of the Town; and

WHEREAS, the Town is responsible for the protection of property values; and to preserve the viability and attractiveness of neighborhoods; to promote tourism, conventions and economic growth; and

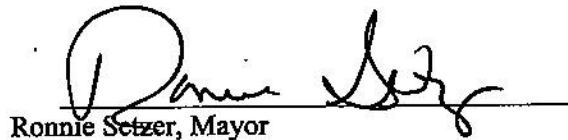
WHEREAS, it is the main responsibility of the Town Council to protect the health, safety, and welfare of the Town's citizens, including the negative effects associated with unregulated solid wastes; and

WHEREAS, Town citizens have attended meetings and persistently campaigned for the passage of a solid waste ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TOWN OF CAJAH'S MOUNTAIN does hereby enact this Ordinance regulating Solid Waste in the Town of Cajah's Mountain, North Carolina and providing for the proper disposal beginning on December 3, 2018.

ATTEST:


Logan Shook, Town Clerk


Ronnie Setzer, Mayor

TOWN SEAL

