

**THE SOLID WASTE MANAGEMENT ORDINANCE  
FOR  
DUPLIN COUNTY, NORTH CAROLINA**

February 1, 2021

**ENACTMENT**

This is an ordinance establishing regulations for the storage, collection, recycling, transportation and disposal of solid waste within Duplin County, North Carolina and providing for the administration and enforcement thereof, as required by state law.

**PREAMBLE**

WHEREAS, in the opinion of the Duplin County Board of Commissioners to protect the health, safety, and general welfare of the residents of Duplin County it is necessary and advisable to regulate the storage, collection, transportation, recycling, transfer and disposal of solid waste, and

WHEREAS, the Duplin County Board of Commissioners and administration have developed this ordinance with due consideration, and

WHEREAS, the Duplin County Board of Commissioners has developed and adopted this ordinance to replace and supersede the previous Solid Waste Management Ordinance adopted August 31, 1994, along with the revision thereto adopted July 1, 1998; and

WHEREAS, all applicable requirements of the General Statutes of North Carolina have been met.

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

**ARTICLE I – AUTHORITY**

The provisions of this ordinance are adopted under authority granted by North Carolina General Statutes §§ 153A-121, -132.1, -132.2, -136, -140, -274 through -278, and -291 through -294, 130A, Article 9, and 143-215.112, and 15A NCAC 02D.1901 through 1907.

**ARTICLE II – APPLICABILITY**

This ordinance shall govern the storage, collection, recycling, transportation, transfer and disposal of solid waste within the unincorporated area of Duplin 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.

**ARTICLE III – DEFINITIONS**

For the purposes of this ordinance, the following terms shall be defined as specified below. Unless specifically defined, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance the most reasonable application.

Aluminum Can: A cylindrical receptacle typically used to hold beverages.

Banned Materials: Items that are illegal or not allowed. Items that are unacceptable by law.

Bulky Waste: Large items of solid waste such as household appliances, furniture, mattress, bedding, automobiles, large machinery parts and other waste whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.

Collection: The act of removing solid wastes from a point of generation to a central storage point or to a disposal site or from a central point to a disposal site.

Collection Sites: Collection sites are located within the county for residents and businesses not located within a municipality to dispose of household trash, household furniture, metal and recyclables only. The sites are not for use by commercial collection services.

Commercial Solid Waste: Solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing activities, excluding residential and industrial waste.

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%.

Construction Debris: Any discarded material such as sheetrock, plaster, insulation, Styrofoam, paper, plastics, vinyl and aluminum siding, or other substances accumulated as a result of construction of new structures or buildings, remodeling, repairs or additions to existing structure or buildings, or demolition of existing structures or buildings. Construction debris does not include concrete, brick, wood, or asphalt.

County Solid Waste Facilities: Collective term meaning all county owned and operated disposal facilities including but not limited to the transfer station, tire disposal area, (LCID) yard waste disposal area, metal recycling area, electronics recycling, bricks-blocks-cement area, solid waste and recycling collection sites, and recycling facilities.

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

Garbage: All putrescible wastes, including food waste, food containers and vegetable matter, but excluding sewage and human waste.

Hazardous Wastes: Solid waste, or a combination of solid wastes, that because of its quantity, concentration or physical, chemical or infectious characteristics may: (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Industrial Solid Waste: Solid waste materials generated by industrial from processing plants, factories or manufacturing operations--including but not limited to sawdust, shavings, feathers, excelsior, cartons, boxes, metal, glass, paper, wood, textiles, chemicals, or plastics.

Industry: A place of business employing more than ten individuals and engaged in the manufacture or assembly of a product or products.

Infectious Waste: Solid waste capable of producing an infectious disease. The types of waste designated as infectious are: microbiological waste, pathological waste, blood products and sharps.

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

Land Cleaning Debris: Stumps, logs, limbs, etc. or other items resulting from land cleaning operations.

LCID (Land Clearing and Insert Debris) Area: An approved area that is limited to receiving stumps, limbs, leaves or uncontaminated earth.

Licensed Solid Waste Hauler: Any individual, corporation, company, association, partnership, unit of government or other legal entity permitted and approved as a solid waste collector by the Duplin County Solid Waste Department.

Litter: Any discarded, used, unconsumed, not-containerized substance or solid waste, including but not limited to, any garbage, household trash, business trash, yard debris, construction debris, furniture and any other junk not disposed of in a manner approved within this ordinance.

Littering: To scatter, cast, throw, place, sweep, dump or deposit anywhere within the county any trash (of any kind) in a manner that it may be carried or deposited by the elements upon public or private property, streets, roads, sidewalks, allies, sewers, parks, waters or other public places.

Manufacturing: The making of goods by manual labor or machinery on a large scale.

Medical Waste: Solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste, radioactive waste, household waste or those substances excluded from the definition of solid waste in this ordinance.

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

Nuisance: Any action or conditions that is dangerous to prejudicial to public health, welfare or safety.

Pathological Wastes: Includes human tissues, organs, body parts, secretions and excretions, blood and body fluids that are removed during surgery and autopsies; and the carcasses and body parts of all animals that

were exposed to pathogens in research, were used in the production of biological or in the in vivo testing of pharmaceuticals, or that died of known or suspected infectious disease.

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

Public View: View from a passenger vehicle driven along any public road maintained by the state or local municipality for public travel or along any private road that provides access to residences or commercial establishments.

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 carcasses.

Radioactive Waste: Any waste which emits ionizing radiation spontaneously.

Recyclable Corrugated Cardboard: Clean, dry, unwaxed paper boxes and thick layered paper, formed with groves and ridges, used in shipping or in which goods are received.

Recyclable Materials: Materials identified by appropriate governmental authority that is cable of being recycled at a recycling facility.

Recycling: The process by which solid waste or recovered materials are collected, separated or processed for reuse.

Refuse: All non-putrescible waste.

Residential: Living accommodations.

Roofing Materials: Shingles, roof-felt, tar paper and other petroleum products used in the construction or repair of roofs.

Rubbish: Refuse exclusive of garbage and ashes including but not limited to paper, rags, cartons, and boxes.

Sanitary Area: A facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted pursuant to Chapter 130A, Article 9 of the North Carolina General Statutes..

Scavenge: Any unauthorized salvaging of discarded items.

Scrap Metals: Discarded iron, steel, tin, aluminum, and other ferrous and non-ferrous metals.

Sharps: Needles, syringes with attached needles, capillary tubes, slides and cover slips, and scalpel blades.

Sludge: Any solid, semisolid or liquid waste generated from a municipal, commercial, institutional, or industrial waste water 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 nonhazardous garbage, refuse, 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: fowl and animal fecal waste; or sludge, oil or other liquid petroleum products or radioactive material.

Solid Waste and Recycling Container Site: A facility owned and operated by the County consisting of containers and/or compactors and other appurtenances for the collection of solid waste and recyclables.

Solid Waste Collector: Any person who collects, transports, or disposes of solid waste for compensation.

Source Separation: The separation of recyclable materials from solid waste at the point of generation.

Storage: 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.

Tire: A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle.

Transfer Station: A facility owned and operated by the County at which solid waste is concentrated for transport to a processing facility or disposal site.

Waterway: A body of water including streams, creeks, rivers, lakes and ponds.

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

Yard Waste: Solid Waste consisting solely of vegetative matter resulting from landscaping maintenance.

#### **ARTICLE IV – SOLID WASTE DISPOSAL**

##### General

As a public service, the Duplin County Board of Commissioners has authorized the operation of a transfer station, land clearing and insert debris (LCID) area, tire disposal area, metal recycling area, electronic recycling area, bricks-blocks-concrete recycling area, solid waste and recycling container sites and a recycling handling facility to serve the citizens of Duplin 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.

##### Authority of Commissioners

It shall be unlawful for any person to throw, dump, or cause 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 area of the County, except as may be permitted by County regulations, without the expressed written authorization of the Board of Commissioners.

##### Solid Waste Disposal Methods

No person shall dispose of any solid waste in Duplin 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. Solid waste and recycling container site
- D. Approved solid waste incinerator
- E. Approved recycling or reclaiming operations
- F. Approved private solid waste or recycling container
- G. Approved yard waste disposal area
- H. Approved transfer station

##### Open Burning

It shall be unlawful to burn or set fire to any refuse, garbage, rubbish, tires, asphalt, shingles or other petroleum products for the purpose of disposal within the unincorporated area of Duplin County. Each tire or container of petroleum products shall constitute a separate violation.

##### Operational Policies

The following operational policies, unless otherwise stated, shall be applicable to the transfer station, land clearing insert debris (LCID) area, tire disposal area, area, metal recycling area, electronic recycling area, solid waste and recycling container sites, recycling handling facilities and any other such facilities as the County Commissioners may authorize.

- A. The solid waste facilities are operated as authorized by the County Commissioners under the supervision of the Solid Waste Director.
- B. Solid waste facilities shall be open on such schedule as may be established by the Board of Commissioners. Facilities will be open to the public only when a County employee 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 shall not be allowed outside of vehicles.
- F. Solid waste facilities are intended for the disposal of solid waste generated within Duplin County only. In addition, solid waste and recycling container sites are for use only by households and businesses located within the unincorporated area of the County or by incorporated municipality as may be authorized by the Board of Commissioners.
- G. Salvaging, scavenging and loitering is prohibited unless the Board of Commissioners authorize such operations for the benefit of the County.
- H. Solid waste shall be observed and inspected for prohibited materials. Persons delivering solid waste to county landfill facilities shall upon request define 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 Solid Waste Director or be charged a "Banned materials" fee. All costs incurred by the County in the removal of prohibited material shall be

recoverable from the person disposing of such material and 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 Solid Waste Director or the director's representative. It shall be the responsibility of persons generating solid waste to insure that such solid waste is disposed of in accordance with the requirements of this ordinance.

#### Transfer Station

The facility shall serve as the County's central collection point where solid waste is concentrated and compacted prior to transport to a processing facility or disposal site. Solid waste shall be disposed of at the transfer station in accordance with this ordinance and as authorized by the Solid Waste Director, state and federal authorities.

#### Disposal Restrictions at Transfer Station

The following items shall not be acceptable for disposal in the transfer station.

- A. Liquid wastes
- B. Hazardous wastes
- C. Radioactive wastes
- D. Containers containing unacceptable or unidentifiable wastes
- E. Animal and fowl fecal matter
- F. Animals and fowl, dead or alive
- G. Land Clearing Debris/Yard waste
- H. Scrap metals
- I. White goods
- J. Wooden pallets
- K. Large automobile or machinery parts or other items that require specialized handling or processing
- L. Aluminum cans
- M. Recyclable corrugated cardboard
- N. Tires
- O. Motor oil/oil filters
- P. Lead-acid batteries
- P. Antifreeze
- Q. Pesticides, herbicides, or poisons of any nature
- R. Hot ashes
- S. Explosives of any kind
- T. Asbestos waste
- U. Yard waste
- V. Sludge
- W. Infectious waste
- X. Untreated regulated medical waste
- Y. Sharps, unless contained in a rigid, leak proof, puncture resistant container
- Z. Electronics
- AA. Bricks/concrete/asphalt
- BB. Liquid Paint
- CC. Fluorescent bulbs
- DD. Any other materials which may be determined to be hazardous by the Solid Waste Director, state, or federal authorities

#### Yard Waste Disposal Areas

The yard waste disposal areas shall serve as a primary disposal area for yard waste. Yard waste shall be disposed of in accordance with this ordinance and as authorized by the Solid Waste Director, state and federal authorities.

#### Disposal Restrictions for Yard Waste

The following items shall not be acceptable for disposal in the yard waste disposal area.

- A. Garbage
- B. Roofing materials
- C. Construction debris
- D. Liquid wastes
- E. Hazardous wastes
- F. Radioactive wastes
- G. Containers containing unacceptable or unidentifiable wastes
- H. Metal
- I. Animal and fowl fecal matter
- J. Animals and fowl, dead or alive
- K. scrap metals and white goods

- L. Large automobile or machinery parts or other items that require specialized handling or processing
- M. Electronics
- N. Bricks/Concrete/Asphalt
- O. Paint
- P. Florescent bulbs
- Q. Wooden pallets
- R. White goods
- S. Aluminum cans
- T. Recyclable corrugated cardboard
- U. Tires
- V. Motor oil/oil filters
- W. Pesticides, herbicides, or poisons of any nature
- X. Lead-acid batteries
- Y. Antifreeze
- Z. Hot ashes
- AA. Explosives of any kind
- BB. Asbestos waste
- CC. Infectious waste
- DD. Untreated regulated medical waste
- EE. Sharps
- FF. Any other materials which may be determined to be hazardous by the Solid Waste Director, state, or federal authorities

#### Solid Waste and Recycling Collection Sites

Collection sites for solid wastes and recyclable materials shall be provided throughout the County for use by residences and businesses within the unincorporated area of the County only; or by others as may be authorized by the Board of Commissioners.

#### Disposal Restrictions at Collection Sites

The solid waste and recycling collection 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. Liquids. Used motor oil and transmission fluid may be accepted in designated containers
- B. Lead-acid batteries except in designated area
- C. Construction debris
- D. Demolition debris
- E. Any waste collected for a fee, charge, tax, or other compensation
- F. Furniture, white goods, or scrap metals except in designated containers
- G. Roofing materials
- H. Commercial, industrial or institutional waste
- I. Aluminum cans except in designated containers
- J. Recyclable corrugated cardboard
- K. Sharps unless contained in a rigid, leak-proof, puncture resistant container
- L. Yard waste
- M. Any item not acceptable at the County Transfer Station
- N. Electronics, except in designated containers

#### Deposit of Materials in Containers

All solid waste shall be placed inside the appropriate container. Materials deposited in containers such as cardboard boxes and other packaging materials shall be reduced to its smallest volume by bending, breaking and compressing the material before placing it into the containers.

#### Recyclables

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

#### Use of Collection Sites

The use of the collection sites will be limited to only those residences and businesses that have paid the current annual availability and disposal fees.

#### Industrial Wastes

Industrial wastes shall not be deposited at the collection sites. Industrial wastes shall be disposed of at the County Transfer Station or other approved disposal areas.

#### 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 container site. Such wastes shall be disposed of at the County Transfer Station or other approved solid waste facilities.

Tire Disposal Area—Transfer Station Facility (Landfill) Only

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.

**ARTICLE V – FEES**

General

The cost of providing solid waste services in the County shall be recovered by disposal fees, availability fees and industrial fees. These fees are intended to recoup the cost of operating solid waste collection, recycling, transfer 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.

Disposal Fees

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

Payment of Disposal Fee

Unless prior arrangements have been made with the 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 percent (1%) per month will be added to unpaid balances. Additional credit will be withheld on delinquent accounts as directed by the board of Commissioners. A fee of twenty-five dollars (\$25.00) will be charged for returned checks.

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 Solid Waste Director or their authorized personnel shall determine the acceptability of recyclable materials.

Tire Disposal Fees

Except as set forth in N.C. Gen. Stat. § 130A-309.58, there will be no fees charged for the disposal of scrap tires.

Annual Household and Business Fees

Annual availability fees and annual disposal fees will be charged to each household and business as directed below.

Annual Availability Fees

An annual availability fee in accordance with the current schedule of fees adopted by the Board of Commissioners shall be charged to each household and business in Duplin County which is located outside the incorporated area of any municipality. Except that households and businesses within incorporated municipalities may be billed upon prior arrangement with the Board of Commissioners.

Purpose of Annual Availability Fee

As authorized by N.C. Gen. Stat. §§ 153A-292 and 293, the annual availability fee is intended to recover the costs of providing and operating the Duplin County solid waste management program.

Exemption to the Annual Availability Fee

There will be no exemption to the annual household and business availability fee except as approved by the Duplin County Board of Commissioners. If the household or business has been vacant for the twelve (12) months preceding January 1 of any year, the annual availability fee may be waived.

Annual Household and Business Disposal Fee

An annual disposal fee in accordance with the current schedule of fees adopted by the Board of Commissioners will be charged to each household and business in Duplin County which is located outside the incorporated area of any municipality and does not have municipal or private garbage collection. Except that households and businesses within incorporated municipalities may be billed upon prior arrangement with the Board of Commissioners.

Purpose of Annual Household and Business Disposal Fee

The annual household and business disposal fee is intended to recover the costs of disposing of solid waste from households and businesses utilizing the County provided Solid Waste and Recycling Collection Sites.

Exemption of Annual Household and Business Disposal Fees

If the owner of the real estate subject to the annual household and business disposal fee produces an official statement from a licensed solid waste hauler certifying that paid solid waste collection service was provided for the period billed then the County Tax Administrator shall issue a release or exemption from the annual disposal fee. The Tax administrator shall maintain records of the number of exemptions due to private collections. The annual disposal fee shall be waived if the household or business has been vacant for the twelve (12) months preceding January 1 of any year.

Billing of Annual Household and Business Fees

The bill for the annual availability and disposal fee shall be directed to and paid by the owner of the residence or business. In the case of apartment units or rental mobile home units the bill shall be directed to and paid by the owner. Fees shall be billed based on the real property tax listings as of January 1 of each year. The Tax Administrator shall prepare and send bills on or about July 1 of each year.

Payment of Annual Household and Business Fees

As authorized by N.C. Gen. Stat. §§ 105-360 and G. S. 153A-293 solid waste fees shall be billed with the annual ad valorem property tax bill. Fees are payable in the same manner as property taxes and become due upon receipt and past due on January 6 of the following year. Solid waste fees may be collected by the Tax Collector in any manner by which delinquent personal or real property taxes can be collected, including garnishment, attachment and foreclosure. Solid waste fees are a lien on the real property described on the bill that includes the fee. Delinquent solid waste fees become a lien upon publication of the legal notice.

Industrial Fees

In accordance with County Policy, the County will provide solid waste transportation service to the County Transfer Facility or disposal site for industrial customers. The fee will be in accordance with the current schedule of fees adopted by the Board of Commissioners. This fee shall be in addition to applicable disposal fees.

**ARTICLE VI – SOLID WASTE STORAGE**

General

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 consistent with the requirements of this ordinance.

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.

Storage Containers

Garbage shall be stored only in a container which is durable and easily cleaned. Containers shall be kept clean so that no odor or other nuisance condition exists.

Removal of Solid Waste

The owner, occupant, tenant or lessee of any property shall remove or cause to be removed all solid wastes from his 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.

Abandoned Refrigerator Storage

No person shall leave outside of 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.

**ARTICLE VII – SOLID WASTE COLLECTION AND TRANSPORTATION**

General

Solid waste within Duplin 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 the vehicle for its contents to be searched 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 of wastes. If spillage should occur, the material shall be picked up immediately by the driver of the vehicle from which it spilled 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 other nuisance condition.
- D. All vehicles which are not self-unloading shall arrive at the County Solid Waste Facilities no later than one-half (1/2) hour before the close of the normal operating day. Vehicles which are not self-unloading will be subject to control by the 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 Solid Waste Director or their representative shall determine the adequacy of the covering and their decision shall be final.
- G. It shall be the responsibility of the driver of the vehicle to make arrangements with the Solid Waste Director concerning delivery of items requiring special handling or immediate covering.

#### **ARTICLE VIII – ENFORCEMENT**

##### Enforcement Officer

The rules and regulations prescribed in this Ordinance shall be enforced by the department head or other authorized personnel of the Duplin County Health Department, Solid Waste Department, and Sheriff's Office and any 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 citations upon a violation of this ordinance.

#### **ARTICLE IX – PENALTIES**

##### General

The County may exercise any of the following remedies as authorized by North Carolina General Statutes.

##### Refusal of Use of Solid Waste Facilities

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

- A. The vehicle is hauling prohibited wastes.
- B. The driver refuses to pay the appropriate fee as established by this ordinance.
- C. There is an unpaid balance of fees due to the County.
- D. The vehicle is hauling mixed solid waste which requires various types of handling or disposal to accommodate a single load.
- E. The vehicle or containers are not properly covered or load secured.
- F. The licensed solid waste hauler violates other provisions of this ordinance.

##### Restitution for Damages

The County may seek restitution for damages or extra expenses including the cost of cleanup, resulting from any violation of this ordinance. The minimum charge for cleanup will be forty-five dollars (\$45.00). Actual charges will be determined by the Solid Waste Director or authorized personnel.

##### Fines

The minimum civil penalties for violation of this ordinance shall be as follows:

- A. Scavenging—Unauthorized salvaging of discarded items.  
 First offense \$50  
 Second offense \$75  
 Subsequent offenses \$100
- B. Illegal Dumping—Illegal dumping including dumping prohibited materials or quantities of materials at County Solid Waste Facilities, or dumping in unapproved areas.  
 First offense \$150  
 Second offense \$300  
 Subsequent offenses \$500

- C. Dumping in Waterways—Illegal dumping in waterways including, streams, creeks, rivers, lakes or ponds.  
First offense \$300  
Second offense \$400  
Subsequent offenses \$500
- D. Illegal Burning—Illegal burning of refuse, garbage, rubbish, tires, shingles, asphalt or other petroleum product for the purpose of disposal.  
First offense \$250  
Second offense \$500  
Subsequent offenses \$500
- E. Improper Transportation—Improper transportation, improper vehicles or improper license by contract haulers of solid waste.  
First offense \$100  
Second offense \$200  
Subsequent offenses \$400
- F. Littering Solid Waste Facilities—Littering includes failure to place all solid waste spilled in transferring it from the transport vehicle to the container, or leaving solid waste at a closed facility.  
First offense \$150  
Second offense \$300  
Subsequent offenses \$500
- G. Unauthorized Scrap Tire Collection Site—Operating a scrap tire collection site containing more than 50 tires.  
First offense \$150  
Second offense \$300  
Subsequent offenses \$500
- H. Failure to Remove Solid Waste or Bulky Waste—Failure to remove solid waste or bulky waste with the 30 days allowed under the “Notice of Violation” the following penalties will apply.  
First offense \$150  
Second offense \$300  
Subsequent offenses \$500
- I. Other Violations—Violation of any other provision of this ordinance or the North Carolina Division of Health Services Waste Management rules.  
First offense \$150  
Second offense \$300  
Subsequent offenses \$500

Neglect of Property

It shall be unlawful for any person to intrude on the rights of others through neglect of property by causing or allowing unsightly garbage, accumulated junk and foul odor to remain in public view or in view from adjoining properties for more than 30 days. This would include operating a commercial or non-commercial junkyard and/or salvage yard that has not been given proper authorization. This includes but is not limited to abandoned homes and buildings.

Notice of Violation

At the discretion of the Duplin County Solid Waste Director or Enforcement officer, a “Notice of Violation” may be issued instead of a fine for a period of no more than 30 days for cleanup.

**ARTICLE X—LEGAL PROVISIONS**

Transfer of Ownership

Upon receipt at County facilities, ownership of all acceptable solid wastes 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 to have 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 caused to be disposed of such solid waste in violation of this ordinance.

Vandalism

No person shall intentionally cause damage to any County solid waste facility.

Loitering

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 fifty dollars (\$50.00) and imprisonment not exceeding thirty (30) days for each offense.

Complaints

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the enforcement agencies stating the cause and basis for the complaint. The enforcement agency shall record the complaint, investigate and take such action 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 any damages to personal property nor personal injury resulting from the use of these facilities.

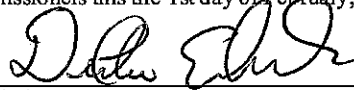
Appeal

The County Commissioners shall hear and decide appeals and review any orders, requirements, decisions, or determinations made as a result of the administration or enforcement of this ordinance.

Effective Date

This ordinance shall become effective and be in full force from and after the 1st day of February, 2021.

Adopted by the Duplin County Board of Commissioners this the 1st day of February, 2021.



Chairman  
Duplin County Board of Commissioners



ATTEST: \_\_\_\_\_  
Clerk to the Board