

Chapter __ RECYCLING ORDINANCE

SECTION 1. AUTHORITY

Pursuant Chapters 130A and 153A of the North Carolina General Statutes, Alamance County hereby establishes this Ordinance for the purposes of regulating and requiring the recycling of certain solid wastes to reduce the solid waste strain entering landfills cells and thereby reduce the impact on natural resources.

SECTION 2. DEFINITIONS

Board means the Alamance County Board of Commissioners.

Commercial Generator means any generator of Target Recyclables located in Alamance County, other than a Residential Generator, including but not limited to businesses, institutions, and public entities.

Commercial Hauler means any Person, whether or not for hire or profit, which collects and/or transports Target Recyclables originated from a location other than the Person's residence or place of business.

Facility means any recycling facility operated and located in Alamance County.

Person means any natural person, firm, business, partnership, municipal corporation, or corporation, both public and private, located in Alamance County.

Residential Generator means an individual household, dwelling, apartment, or other place of residence located in Alamance County which produces Target Recyclables.

Target Recyclables means newspapers, corrugated cardboard, aluminum cans, glass, food jars and beverage glass bottles and commercially generated office paper (including computer paper and shredded office paper). Target Recyclables also includes rigid plastic containers required by state statute to be labeled (numbers 1 -7) having a neck smaller than the body of the container and accepting a screw top, snap top or other closure. Examples of rigid plastic containers include milk, soda, water, shampoo, liquid laundry detergent and bleach containers. A container having a capacity of less than 8 fluid ounces or more than 5 gallons is exempt from this Chapter. The prohibition on disposal of recyclable rigid plastic containers in the landfill does not apply to rigid plastic containers which are intended for use in the sale or distribution of motor oil or pesticides.

SECTION 3. PARTICIPATION IN RECYCLING PROGRAM

- (1) All Persons, including both Residential and Commercial Generators and Commercial Haulers, shall participate in the Alamance County Recycling program as provided herein.
- (2) All Persons, including both Residential and Commercial Generators, shall separate all Target Recyclables from solid waste prior to collection.
- (3) It shall be a violation of this Chapter for anyone to place any garbage, trash, or refuse in a clearly marked container for Target Recyclables.

SECTION 4. UNAUTHORIZED PICK UP

It shall be a violation of this Chapter for any person to collect or pick up or cause to be collected or picked up any Target Recyclable unless authorized by this Chapter.

SECTION 5. TERRITORIAL JURISDICTION

This Chapter applies countywide, outside the boundaries of any municipalities unless a municipality has by resolution adopted this Chapter to be effective within the municipality.

SECTION 6. PENALTIES

- (1) *Criminal penalty.* Any person violating this Chapter shall be guilty of a misdemeanor as provided by North Carolina General Statute §14-4, punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days, or both. Each day's violation shall be treated as a separate offense.
- (2) *Civil penalty.* Any violation under the provisions of this Chapter may subject the offender to a civil penalty for the costs to the County to correct such violation in the interest of the public health, safety and welfare. Such penalty shall be assessed by the health director and shall be supported by a written statement of costs incurred by the County to correct such violation or a civil penalty not to exceed one thousand dollars (\$1,000.00). Such penalty shall be paid within ten days of notification to the offender. If the offender does not pay the penalty within ten days after receiving notice, such penalty shall be recovered by the County in a civil action in the nature of debt.

- (3) *Equitable remedies.* This Chapter may be enforced by equitable remedies, including, but not limited to, those in accordance with North Carolina General Statutes § 153A-123 and § 153A-140.

SECTION 7. SEVERABILITY

If any part of this Chapter, or any application of this Chapter to a person or condition, is held invalid, the invalidity shall not affect the validity of other parts of this Chapter or the legitimate application of this Chapter to other persons or conditions. To this end, the provisions of this Chapter are declared to be severable.

SECTION 8. EFFECTIVE DATE

This Ordinance, as amended, shall be in effect on and after _____, 2022.