

Chapter __ SOLID WASTE MANAGEMENT

SECTION 1. AUTHORITY

Pursuant to chapters § 130A and § 153A of the North Carolina General Statutes, Alamance County hereby establishes this Ordinance for the protection of the public health and safety, and shall, among other things, govern the storage, collection, transporting, and disposal of solid waste in Alamance County.

SECTION 2. DEFINITIONS

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction and/or demolition debris means solid waste resulting solely from construction, remodeling, repair or demolition operations on buildings or other structures, but does not include land-clearing or yard waste. Roofing shingles are considered construction or demolition debris.

County means Alamance County.

Disposal means 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 waters, including groundwater.

Division means the North Carolina Department Of Environmental Quality, Solid Waste Management Division, Solid Waste Section or its authorized representative as recognized by its director.

Domesticated animal means any of various animals, such as cats, dogs, cows, hogs, horses, sheep, etc., domesticated by man to live and breed in a tame condition.

Garbage means solid wastes, including vegetable matter, animal offal, carcasses of animals, and recognizable industrial byproducts, but excluding human body waste and animal manure. Used milk cartons or other discarded food containers are included in this definition.

Hazardous waste means a 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.

Inert debris means solid waste which consists solely of material which is virtually inert, such as brick, concrete, used pavement asphalt, rock, and clean soil, but does not include construction and demolition debris.

Land-clearing debris means solid waste which is generated solely from land-clearing activities, such as stumps, trees, limbs, brush, grass and other naturally occurring vegetative material.

Leachate means any liquid, including any suspended components in liquid, which has percolated through or drained from solid waste.

Open burning means any fire where the products of combustion are emitted directly into the outdoor atmosphere and are not directed through a stack or chimney, incinerator, or other similar devices.

Open dump means (1) a solid waste disposal site which does not have a license and/or does not comply with the rules set forth in Chapter 130A of the North Carolina General Statutes, the state solid waste management program, or in this Chapter; and (2) a consolidation of solid waste from one or more sources at an illegal disposal site which may have unsanitary conditions and little or no cover.

Person means any individual, firm, governmental unit, organization, partnership, corporation, company, or other entity.

Premises means each single residential dwelling unit housed in a building used for residential purposes, a manufactured home, or a structure used for residential purposes on any property. The term "premises" also means each unit contained in any structure serving a separate owner, tenant, lessee, or used for any purpose other than residential.

Sanitary landfill means a method of disposing of solid waste on land in a sanitary manner without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of compacted earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

Solid waste means any hazardous or nonhazardous 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 which is either discarded or 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 the following:

- (a) Fecal waste from fowls and animals other than humans;
- (b) Solid or dissolved material in:
 - i. Domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters;
 - ii. Irrigation return flows; or

- iii. Wastewater discharges and the sludges incidental to and generated by the treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended, and permits granted under North Carolina General Statute § 143-215.1 by the environmental management commission, including coal combustion products; except any sludge which meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580), as amended, shall also be a solid waste for the purposes of this Chapter;
- (c) Oils and other liquid hydrocarbons controlled under North Carolina General Statute § 143-215.75 through § 143-215.104; except any such oils or other liquid hydrocarbons which meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580), as amended, shall also be a solid waste for the purposes of this Chapter;
- (d) Any radioactive material as defined by the North Carolina Radiation Protection Act, North Carolina General Statute § 104E-1 through § 104E-23;
- (e) Mining refuse covered by the North Carolina Mining Act, North Carolina General Statute § 74-46 through § 74-68, and regulated by the state mining commission, as defined under NCGS 143B-293.1; except any specific mining waste which meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580), as amended, shall also be a solid waste for the purposes of this Chapter.
- (f) Recovered material; and
- (g) Steel slag which is a product of the electric arc furnace steelmaking process; provided, such steel slag is sold and distributed in the stream of commerce for consumption, use, or further processing into another desired commodity and is managed as an item of commercial value in a controlled manner and not as a discarded material or in a manner constituting disposal.

State means the North Carolina Department of Environmental Quality (NCDEQ) or any other department which may be responsible for the enforcement of solid waste.

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.

White goods mean inoperative and discarded refrigerators, ranges, water heaters, freezers, ovens, dishwashers, and other similar domestic or commercial large appliances.

Yard waste means solid waste resulting from landscaping and yard maintenance such as brush, tree limbs, and similar vegetative material.

SECTION 3. FRANCHISES AND LICENSES

- (1) Pursuant to North Carolina General Statute §153A, the Board of Commissioners may grant a franchise and license to any person to engage in the collection and disposal of residential solid waste and recyclable material. The Board of Commissioners may grant a franchise and license under this Chapter for the exclusive right to collect, transport, and dispose of solid waste and recyclable material for compensation within the entire County or within specified areas of the County and may prohibit unauthorized persons from engaging in the same service within the area where the exclusive right has been granted.
- (2) The Board of Commissioners shall grant a franchise and license only upon a finding the chosen applicant is able to render service to all persons generating solid waste, residential household garbage or recyclable material within the franchise area, the applicant is more likely to provide efficient and continuing service in the franchise area than any other applicant for the same franchise area, and the grant of a franchise to the applicant will best serve the interests of the County in providing for the county-wide collection of solid waste, residential household garbage, and recyclable material.
- (3) If a franchise and license is withdrawn, surrendered, or a change is otherwise indicated by the parties or the operation of law, the Board of Commissioners reserves the right to review information, take applications, and take appropriate action on any other time schedule as is appropriate.
- (4) The Board of Commissioners prefers a single franchise to provide all of the services stated in this section, including but not limited to collection, transportation, storage, and disposal of solid waste and recyclable material as well as management of a materials recovery facility, but reserves the right to enter into more than one franchise agreement with each element of the solid waste service, including but not limited to collection, transportation, storage, and disposal of solid waste and recyclable material as well as management of a materials recovery facility.
- (5) A franchise and license shall be for a term of five years, unless otherwise approved by the Board of Commissioners. Any person who has been granted a franchise to collect, transport, and dispose of solid waste, residential household garbage or recyclable material in delineated areas in the County must enter into a contract with the County for these services, and shall be, subject to the provisions and requirements of this Chapter, awarded a renewal of franchise over any new applicants for the same or substantially same franchise area for a maximum of one three (3) year renewal, at which time the franchise shall be rebid and awarded to the best qualified applicant. Licensed franchisees shall be required to submit annual reports, to include information specified in the franchise contract, to the Solid Waste Department of the

County. These annual reports are due August 1st and shall include data from the preceding fiscal (July-June) year.

- (6) The County Manager may temporarily suspend any franchise and license granted if the franchisee fails or is unable to properly perform the duties covered by the franchise, license and contract. The franchisee may request in writing to the County Manager a hearing before the Board of Commissioners to allow the franchisee the opportunity to justify why such franchise should not be revoked. Such requests must be received by the County Manager no later than ten calendar days following notice of franchise and license suspension. After hearing the appeal, the Board of Commissioners shall revoke or reinstate the franchise and license.
- (7) If a franchise and license has been revoked pursuant to this Chapter or surrendered by the franchisee, the Board of Commissioners may grant temporary franchises for the collection, transportation, or disposal of solid waste, residential household garbage, or recyclable material. The franchise and license shall commence on the effective date described in the contract and end the subsequent June 30.
- (8) The franchisee shall serve every person who contracts with it for the collection, transportation, or disposal of solid waste, residential household garbage or recyclable material in such a manner which the franchisee does not cause the person to be in violation of this Chapter. The licensee shall not discriminate against any person for contract purposes in violation of the Civil Rights Act, as amended, or on the basis of race, color, creed, religion, sexual orientation, national origin, physical impairment, or sex. A solid waste, residential household garbage, or recyclable material collector franchised under this Chapter shall present to each customer a schedule of their fees as authorized by this Chapter to be charged. Residential household garbage shall be removed from the customer's premises at least once a week, provided the customer is no more than thirty (30) days in arrears in payment of the required collection fees. However, the franchisee shall not be required to pick up more than two (2) containers of garbage, each container to be no larger than 96 gallons. The franchises shall not be required to pick up bulky items, large metal items including white goods, tires, or yard waste. Any person generating more than two (2) containers per week shall be responsible for proper disposal in accordance with these regulations. All recyclable material and solid waste, other than residential household garbage, shall be removed two times per month with at least two weeks between scheduled collection days.
- (9) With the exception of residential buildings with five (5) or more premises, manufactured home parks, institutions, industrial or commercial businesses, it shall be unlawful for any person to engage in the business of collecting, transporting, and disposing of solid waste, outside of any municipality, but within any of the areas in the County, except under the authority in full force and effect given by a franchise and license as provided for in this section.
- (10) Fees charged under this Chapter are subject to each of the following provisions:
 - (a) All applicable fees charged by solid waste, residential household garbage, or recyclable material collectors shall be approved by the Board of Commissioners before the franchise is granted.

- (b) The franchisee shall be responsible for the collection of all fees for its services to be rendered to the citizens and customers within its assigned area.
 - (c) The franchisee shall collect, and the customer shall pay, a monthly fee approved by the Board of Commissioners for roadside collection, transportation and disposal of solid waste, residential household garbage or recyclable material from the customer's premises at least once a week.
 - (d) Changes in collection rates, pursuant to this Chapter and the franchise contract, must be approved by the Board of Commissioners.
- (11) The collection, transportation, or disposal of solid waste, residential household garbage or recyclable material are subject to each of the following provisions:
 - (a) The franchisee shall be responsible for the satisfactory collection and transportation of all solid waste to a County-operated disposal site or facility.
 - (b) Vehicles and solid waste containers used by the franchisee for the collection and transportation of solid waste, residential household garbage or recyclable material shall be covered, leak-proof, durable and of easily cleanable construction. These shall be cleaned as often as necessary but not less than twice a year to prevent a nuisance or insect breeding and shall be maintained in good repair. The franchisee shall have adequate solid waste containers and vehicle cleaning facilities. The franchisee shall close all lids on solid waste containers after the containers are emptied and shall plug all drains in solid waste containers where required by local and state regulations. Vehicles shall display, in three-inch letters, the name and address of the hauler and the cubic yardage of the vehicles.
 - (c) Vehicles and solid waste containers used for the collection and transportation of any solid waste, residential household garbage or recyclable material shall be loaded and moved in such a manner which the contents will not fall, leak, or spill, and shall be adequately secured and/or covered to prevent spillage. Should spillage occur, the material shall be recovered immediately by the solid waste hauler and returned to the vehicle or container and the area properly cleaned.
 - (d) The franchisee shall maintain in its employment a sufficient number of employees to adequately serve the area assigned to it and shall own and control sufficient equipment and machinery to perform the duties and services of collecting, transporting and disposing of the solid waste, residential household garbage or recyclable material in the County.
- (12) The collection, transportation, or disposal of solid waste, residential household garbage or recyclable material are subject to each of the following provisions related to insurance, transferability of license, and jurisdiction of Chapter:
 - (a) The applicant, upon being awarded the right to collect and dispose of solid waste by the Board of Commissioners as provided for in this Chapter, shall secure and present to the County Manager a good and sufficient liability insurance policy covering and insuring the payment of such damages as may

be done by the franchisee to the premises or property upon which it may enter for the purpose of collecting or disposing of solid waste in an amount, not less than the amount the County may carry upon itself, insuring the franchisee and its employees from personal injury and property damages which may be occasioned by occupational hazards. Such policy shall contain a hold harmless clause indemnifying and defending the County against claims made against the franchisee. Further, such policy shall name the County as an additional insured.

- (b) No franchise or license existing or granted under this Chapter shall be sold, assigned, pledged or transferred, nor shall control thereof be changed by stock transfer or otherwise or any rights leased, nor shall any merger of combination affecting the license be made through acquisition or control by stock purchase or otherwise, except after application for and written approval, which shall be given if justified by the facts then existing.
- (c) Each and every franchise and license issued shall be subject to this Chapter and as it may be amended from time to time, except any amendment which may be made from time to time affecting the duration of a franchise and license existing at the time of the enactment of the amendment. Any franchise and license transferred or assigned without the express written authority of the Board of Commissioners shall be void and of no effect, and any collection is in violation of this Chapter.

SECTION 4. STORAGE, ACCUMULATION AND DISPOSAL

OF GARBAGE AND SOLID WASTE

- (1) No owner, occupant, tenant, or lessee of any property shall deposit, store, or license to accumulate any garbage or solid waste upon such property which is not stored or disposed of in the following manner:
 - (a) It shall be unlawful for any person to store any garbage in any container which is not durable, rust-resistant, nonabsorbent, watertight, rodent-proof, and easily cleanable with a close-fitting, fly-tight cover in place with adequate handles or bails to facilitate handling, not to exceed a 96-gallon capacity, or other types of containers conforming to the intent of this Chapter. It shall also be unlawful for any person to store garbage of a perishable or offensive nature for more than one week in any type of container.
 - (b) Solid waste or garbage shall not be deposited, stored, permitted, or licensed to accumulate on any property in such a manner which will provide food or harborage for rodents, vermin, and other nuisance animal or insect; or will create a fire or safety hazard.
 - (c) It shall be unlawful for any occupant of any dwelling or dwelling unit to place or leave outside of any building longer than 72 hours any dilapidated furniture, icebox, refrigerator, stove or other appliance, machinery, equipment, building material, or other item which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition, or which in the opinion of the health director constitutes a potential public health problem.

- (d) It shall be unlawful for any person to leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended, or discarded icebox, refrigerator or any other container of any kind in which a child could get into. An acceptable alternative is to crate, strap, or lock the discarded container to such an extent it is impossible for a child to obtain access.
 - (e) No person shall throw, dump, deposit, or cause to be thrown, dumped, or deposited solid waste on property owned by the person, another person, or on any public highway, street or road; upon public parks or recreation areas; or upon any other public property except property specifically designated for that use.
 - (f) It shall be unlawful for any person to dispose of garbage or solid waste at any place other than in a manner approved by law. Acceptable means of solid waste disposal includes each of the following:
 - i. Contracting with a County-licensed, franchised solid waste disposal service.
 - ii. Hauling garbage and solid waste to a public sanitary landfill site or designated County owned solid waste convenience center (residential waste only).
 - iii. Burning solid waste in an incinerator which has all required local, state, and federal air pollution control licenses.
 - iv. By any other method, including reclamation and recycling processes, which has been approved by law.
 - (g) Where there are five or more premises located in a residential building or manufactured home park, it shall be the responsibility of the owner or person in charge of each building or manufactured home park to provide for the regular collection of all garbage from each premises. It is the responsibility of the owner or person managing rental property to see ensure the residents dispose of garbage in a lawful manner.
- (2) Any landfill located in the County shall be operated according to rules and regulations providing standards for solid waste disposal adopted by the state. The operational requirements for a sanitary landfill as outlined in the North Carolina Administrative Code are made a part of this Chapter by reference as if fully stated herein.
- (3) The sanitary landfill of the County may be used for the disposal of solid wastes by any person who is a resident of the County during regular hours of operation of the landfill. Solid waste shall be disposed of at the landfill in the manner and according to the procedures required by the Solid Waste Department of the County. The following wastes may not be disposed of in the landfill:
- (a) Antifreeze.
 - (b) Any solid waste which creates a difficult operational problem at the landfill.
 - (c) Beverage cans.
 - (d) Burning material.

- (e) Computer equipment.
 - (f) Hazardous wastes.
 - (g) Infectious wastes.
 - (h) Lead-acid batteries.
 - (i) Liquid wastes.
 - (j) Used motor vehicle oil filters.
 - (k) Oyster shells.
 - (l) Radioactive wastes.
 - (m) Target Recyclables.
 - (n) Televisions.
 - (o) Tires.
 - (p) Used oil.
 - (q) Wet sludge
 - (r) White goods.
 - (s) Wooden pallets.
 - (t) Yard waste.
 - (u) Any other material prohibited by state or federal law.
- (4) A person operating or having operated an open dump for disposal of solid waste or a person who owns land on which such an open dump is or has been operating shall immediately close the site in accordance with the laws and regulations of this state, which is as follows:
- (a) Implement effective vector control, including baiting, for at least two weeks after closing, to prevent vector migration to adjacent properties.
 - (b) If the site is deemed suitable by the state, compact and cover existing solid waste in place with two feet or more of suitable compacted earth; a condition of closing the site by compacting and covering the waste in place shall be recordation of the waste disposal location by the property owner with the register of deeds in the County where the land lies. Copies of the recordation procedure may be obtained from and inspected at the state.
 - (c) If the site is deemed unsuitable by the state, remove and place solid waste in an approved disposal site or facility.
 - (d) Implement erosion control measures by grading and seeding.
 - (e) Prevent unauthorized entry to the site by means of gates, chains, berms, fences, and other security measures approved by the state and post signs indicating closure for a period designated by the state.

- (5) All persons using sanitary landfills or solid waste containers operated by the County and/or the franchisee shall abide by the rules and regulations governing their use, and a violation of such rules and regulations shall constitute a violation of this Chapter.
- (6) No building shall be erected on any land where there has been or is currently any garbage or solid waste deposited until tests are made of the property showing there is no danger in the future of settling or explosion due to methane gas being formed from the solid waste which has been deposited.
- (7) Any person collecting and transporting solid waste or recyclable material generated on his own property for disposal at an approved disposal site shall comply with Subsection 3(11) of this Chapter concerning vehicles and containers.
- (8) There shall be no open burning of solid waste or garbage by any person in accordance with the laws and regulations of this state.
- (9) The sanitary landfill and solid waste receptacles of the County may only be used for the disposal of solid waste, residential household garbage or recyclable material generated in the County.
 - (a) In order to determine residency in the County, landfill employees are authorized to ask for identification. Anyone refusing to provide the information requested will be denied use of the solid waste facilities. Solid waste and residential household garbage shall be disposed of at the landfill in the manner and according to the procedures required by the Solid Waste Director or their representative.
 - (b) Anyone not disposing of their waste at the landfill as directed by management shall be subject to administrative penalties for costs or damages incurred as provided in this code.
- (10) A tipping fee shall be charged to all users of the landfill. This tipping fee charge or total charge shall be based on the number of tons of material brought for disposal, except that there may be a minimum fee. The Board of Commissioners shall adopt a schedule of fees, which shall be effective until amended or replaced.
- (11) A tipping fee shall not be charged on certain material as designated by the Board of Commissioners. Charitable organizations shall not be charged a tipping fee for those donated items unusable as a part of their operation. The North Carolina Department of Transportation shall not be charged a fee for disposing of roadside garbage.
- (12) A surcharge equal to the applicable tipping fee or Twenty-five Dollars (\$25.00), whichever is greater, shall be assessed against any person who empties loads containing at least 50% of Target Recyclables into the sanitary landfill, solid waste receptacles, or any other area of the landfill not specifically designated for recyclables. This surcharge shall be assessed in addition to any applicable tipping fee. This surcharge shall not be assessed against the North Carolina Department of Transportation or charitable organization.
- (13) No material shall be removed from the landfill premises or solid waste receptacles without permission of the Solid Waste Director.
- (14) Use of solid waste containers shall be in accordance with the following:

- (a) A solid waste convenience center is maintained in the County for the convenience of County residents on land owned by the County. Solid wastes may be deposited in the solid waste convenience centers only in accordance with this Chapter.
- (b) All solid waste shall be deposited inside the solid waste convenience center. No solid waste may be left at the solid waste disposal site outside the convenience center.
- (c) Commercial, industrial, and institutional solid waste may not be deposited in the County owned solid waste convenience center, unless permission is given by the Director of the Solid Waste Department of the County or their designee.
- (d) The following wastes may not be deposited in solid waste containers:
 - i. Antifreeze.
 - ii. Any solid waste which creates a difficult operational problem at the landfill.
 - iii. Beverage cans.
 - iv. Burning material.
 - v. Computer equipment.
 - vi. Hazardous wastes.
 - vii. Infectious wastes.
 - viii. Lead-acid batteries.
 - ix. Liquid waste.
 - x. Used motor vehicle oil filters.
 - xi. Oyster shells.
 - xii. Radioactive wastes.
 - xiii. Target Recyclables.
 - xiv. Televisions.
 - xv. Tires.
 - xvi. Used oil.
 - xvii. Wet sludge.
 - xviii. White goods.
 - xix. Wooden pallets.
 - xx. Yard waste.
 - xxi. Any other material prohibited by state or federal law.

No person may remove any item from a solid waste container, climb on or into a container, damage, or willfully set fire to or attempt to set fire to contents of a container.

- (15) *Disposal of waste tires.* The uncontrolled storage and/or disposal of waste tires presents a health and safety hazard. Tires are not suitable for burial in a sanitary landfill nor for burning in a municipal solid waste incinerator. All waste tires in the County must be delivered to the County landfill and deposited there to be transported to a tire disposal facility where they can be disposed of in an environmentally acceptable way. This subsection is not intended to prevent any individual, company, or other entity from developing an environmentally acceptable method for tire disposal. Any such proposal for an alternate disposal method shall be submitted to the Solid Waste Department of the County for review and final approval by the Board of Commissioners.
- (16) *Disposal of dead animals.* It shall be the duty of the owner or person in charge of any domesticated animal which dies of any cause and the owner, lessee, or person in charge of any land upon which any domesticated animal dies to bury the animal to a depth of at least three feet beneath the surface of the ground within 24 hours after knowledge of the death of the domesticated animal or to otherwise dispose of the animal in a manner approved by the state veterinarian. It shall be a violation of North Carolina General Statute § 106-403 to bury any dead domesticated animal closer than 300 feet to any flowing stream or public body of water. Dead animals may be disposed of at the County landfill for a fee as prescribed by the Board of Commissioners. The North Carolina Department of Transportation has jurisdiction over the disposal of any dead animal located on or within the state Department of Transportation's right-of-way. All costs incurred by the County in the removal of a dead domesticated animal shall be recoverable from the owner of such animal or from the owner, lessee, or person in charge of the land upon which the animal was illegally disposed and upon admission of ownership or conviction. The term "domesticated animal" as used in this subsection shall include poultry.

SECTION 5. VIOLATIONS AND 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.

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- (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 6. RESERVATION OF RIGHTS

The Board of Commissioners expressly reserves the right to require the source separation of materials from solid waste prior to collection of the solid waste for disposal and require participation in a recycling program which has been approved by the Board of Commissioners.

SECTION 7. SEVERABILITY

If any sentence, clause, paragraph, subsection, or section of these regulations shall be adjudged invalid and of no effect, such decisions shall not affect the main portions of these regulations.

SECTION 8. EFFECTIVE DATE

This ordinance as amended shall be effective on and after November __, 2022.