

Madison County Solid Waste Ordinance

0.1 PURPOSE

In order to provide a uniform and comprehensive procedure for the administration, collection and disposal of solid waste in Madison County, North Carolina; to regulate the storage, collection, transportation, use, disposal and other disposition of solid waste in Madison County North Carolina, the Madison County Board of Commissioners does hereby adopt the following ordinance pursuant to the provisions of the North Carolina General Statutes Chapter 153-A, Section 136, and any amendments thereto. (Ord. adopted Aug. 9, 1999; Am Ord. adopted Feb. 15, 2021.)

0.2 ADMINISTRATION AND ENFORCEMENT

Regulations governing and pertaining to the management of solid waste shall be provided by the Madison County Board of Commissioners who shall administer, interpret, and enforce the provisions of this chapter by and through the Solid Waste Director, Solid Waste Director's designee(s), or other representative(s) employed within the Solid Waste Department.

Failure to follow North Carolina Solid Waste Management Rules or the ordinances adopted by Madison County may result in the denial of future access to County Solid Waste facilities.

0.3 DEFINITIONS

AVAILABILITY FEE - the fee imposed for the availability of a disposal facility provided by the County.

BED AND BREAKFAST - An establishment (as an inn) offering lodging and breakfast.

BUSINESS - an organization or enterprising entity engaged in commercial, industrial, or professional activities.

CAMPGROUND - property that offers temporary or permanent rental for recreational vehicles or manufactured houses.

COLLECTOR - any person or business that picks up or hauls solid waste or recyclable materials for a fee.

CONSTRUCTION AND DEMOLITION (C&D) - solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, building, or other structure. This will include all items attached to the building or structure including but not limited to carpet, flooring, siding, windows, wood, roofing, concrete, insulation, or doors.

CONTRACT HAULER - any person transporting solid waste for another person on a regular basis.

CONVENIENCE CENTER - secondary solid waste facility for County residents where household waste will be accepted into collection vehicles or containers and recycling receptacles may be provided by the Solid Waste Department prior to transport to the transfer station for processing.

COTTAGE - small rental house for vacation use.

DWELLING - any residential unit housed in a building or structure used for residential purposes.

ENTERPRISE FUND - a self-supporting government fund that sells goods and services to the public for a fee.

GARBAGE - all putrescent solid waste.

HAZARDOUS WASTE - the solid waste, or combination of solid wastes, which because of its quality, concentration, physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

HOUSEHOLD – any single unit residence with an inhabitable structure within the jurisdictional boundaries of Madison County, North Carolina. For properties containing multiple units such as an apartment complex, or a dwelling containing multiple households, each “front door” is assessed a Solid Waste Availability Fee.

HOUSEHOLD WASTE - refuse and putrescent material generated in the normal daily activities of a single unit residence.

IMPROVED PROPERTY - any property located within the County upon which there is an erected structure intended for continuous or periodic habitation, occupancy, or use which would receive the benefit from the availability of the Solid Waste facility.

INN - establishment that provides lodging on a nightly basis.

MANAGEMENT OF SOLID WASTE - the control, storage, collection, transportation and disposal of all forms of solid waste. Disposal of solid waste shall include the burial, incineration, treatment, processing, utilization, or final disposal thereof.

MANUFACTURING FACILITY - buildings and structures, including manufacturing machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.

MOTEL - establishment that provides lodging on a nightly basis.

NURSING HOME - establishment providing maintenance, personal care, or assisted living for persons (as the aged, chronically ill, or otherwise) who are unable to care for themselves.

PERMIT - written authorization from the Solid Waste Director to haul solid waste or recyclable material in Madison County for hire or compensation.

PERMITTED HAULER - any person permitted or not who collects, picks up, or transports refuse or solid waste or recyclable material for a fee.

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

RECYCABLE – any specific material which the County collects separately to divert said material from landfill disposal.

REFUSE - garbage or rubbish.

REHABILITATION CENTER – establishment providing care or treatment to facilitate the process of

recovery from injury, illness, or disease.

RESTAURANT - Business or establishment where meals or refreshments may be purchased.

RETREAT CENTER - property used by individuals or groups with the purpose of entertainment, vacation, conference, recreation, or spiritual enlightenment .

RUBBISH - non-putrescent solidwaste.

SCAVENGING - removal of any objects from a solid waste container or transfer station.

SOLID WASTE - anyhazardousornon-hazardousgarbage,refuse and other material that is being discarded or is being accumulated, stored or treated prior to being discharged, or has served in its original intended use and is generally discarded, including solid, liquid, semi-solid 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; solid or dissolved material in domestic sewage and sludges generated by the treatment thereof insanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters; irrigation return flows; wastewater discharges and sludges incidental thereto and generated by the treatment thereof which are point sources subject to permits granted under the Federal Water Pollution Control Act; oils and other liquid hydrocarbons controlled under Article 21-A of Chapter 143 of the General Statutes of North Carolina, except that such oils or other liquid hydrocarbons that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act shall be a solid waste for the purposed of this article; and radioactive material as defined by the North Carolina Protection Act in Chapter 104-E, Sections 1 through 29 of the General Statutes of North Carolina; and mining refuse covered by the North Carolina Mining Acts provided for in Chapter 74, Sections 46 through 68 of the General Statutes of North Carolina and regulated by the North Carolina Mining Commission.

SOLID WASTE CONTAINER - County receptacle utilized for the transportation and collection of solid waste.

SPECIAL WASTE - material as defined by the North Carolina General Statutes or County Ordinances which requires disposal methods other than household waste,including but not limited to asbestos, septage, sludge, spoiled foods, animal carcasses, abattoir waste, hatchery waste, and any other animal waste.

STORAGE UNIT/SELF STORAGE UNITS - commercial facility in which customers can rent space to store possessions.

TRANSFER STATION – primary solid waste facility for County residents where solid waste, mainly municipal solid (MSW) is unloaded from collection vehicles or containers for reloading into larger, long distance vehicles or containers for transport to landfills or other permitted solid waste facilities for final disposal.

UNSANITARY CONDITIONS - any amount of solid waste which is odoriferous, pestiferous, or otherwise threatening to human health as determined by the Solid Waste Director.

USED MOTOR OIL - 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 or discarded refrigerators, ranges, water heaters, freezers, and

other similar domestic and commercial large appliances.

**Other terms not defined within this section shall be defined as noted in the North Carolina Administrative Code of the General Statutes of North Carolina.*

0.4 SOLID WASTE CONTAINERS

1. Only solid waste generated in Madison County shall be disposed of in any solid waste container, wherever located, any collection site, or at the County transfer station.
2. It shall be unlawful for any person to willfully, negligently, or maliciously damage or attempt to damage any solid waste container.
3. It shall be unlawful for any person to knowingly place in a solid waste container any animal carcass, sludge, hot ashes, hazardous waste, liquid waste, medical waste, tires, special waste and/or other items that are not allowed to be disposed of by the transfer station as prescribed by the laws of the State of North Carolina.

0.5 CONVENIENCE CENTERS

1. Madison County reserves the right to deny the disposal of any waste at any convenience center.
2. Only solid waste generated within the jurisdictional boundaries of Madison County shall be disposed of at the convenience centers.
3. All disposal of solid waste at any convenience center may require the display for inspection of the officially sanctioned Madison County Solid Waste Card accompanied by an official identification acceptable to the Solid Waste attendant. Residents without a card may only dispose of applicable waste at the transfer station based at a disposal rate of per ton basis.
4. Convenience centers are provided for the disposal of residential household waste and residential recyclables only. Programs to allow for disposal of other types of waste at convenience centers may be implemented from time to time at the discretion of the Solid Waste Department pending the availability of appropriate disposal equipment/facilities at any given convenience center.
5. Recyclable material will be accepted at no charge provided the material is free of contaminants and separated into the proper containers. While recycling is not mandatory, all persons are strongly encouraged to utilize the voluntary recycling systems located at each convenience center.
6. The hours of operation of convenience centers shall be as specified by the Madison County Board of Commissioners.
7. Waste disposed of at a convenience center shall comply with the following restrictions:
 - a. All waste must be bagged or contained.
 - b. The disposal of hazardous wastes shall not be permitted at any disposal site in Madison County.
 - c. Large loads of household waste, garbage, rubbish, and or solid waste will not be permitted at any convenience center.

0.6 TRANSFER STATION

1. Madison County reserves the right to deny the disposal of any waste at the transfer station.
2. Only solid waste generated within the jurisdictional boundaries of Madison County shall be disposed of at the transfer station.
3. All disposal of solid waste at the transfer station may require the display for inspection of the officially sanctioned Madison County Solid Waste Card accompanied by an official identification acceptable to the Solid Waste attendant. Residents without a card may dispose of applicable waste at the transfer station based on a disposal rate of per ton basis.
4. Large loads will only be accepted at the transfer station.
5. Commercial, industrial, and demolition waste as well as waste oil, antifreeze, and cooking oil are to be

disposed of at the Transfer Station

6. Lead acid batteries will only be accepted at the transfer station unless recycling services for these items exist at the convenience center(s).
7. Demolition waste will only be accepted at the transfer station.
8. Large loads of house hold waste, garbage, rubbish, and or solid waste will only be permitted at the transfer station.
9. Tires will only be accepted at the transfer station and must be free of mud, dirt, and water. Fees, if applicable will be based on a rate as determined by the County Board of Commissioners.
10. The following items shall be separated prior to disposal at the transfer station:
 - a. Sanitary waste, excluding demolition materials;
 - b. Demolition waste;
 - c. Appliances and/or white goods;
 - d. Tires;
 - e. Waste oil;
 - f. Recyclable material;
 - g. Special waste including agricultural chemicals, paint, and fluorescent bulbs which will not be allowed if the items noted are not separated; special waste will only be accepted at event dates as announced by Solid Waste. Those persons wishing to dispose of special waste at the landfill will be required to notify the Solid Waste Department within twenty-four (24) hours prior to disposal. This notification should describe the type of waste to be disposed of as well as the volume of same;
 - h. Aluminum cans;
11. Disposal of the separated items will take place at the direction of the Solid Waste attendant on duty.
12. Loads of waste are subject to random waste screening as provided for in Chapter 130-A, Section 29 of the General Statutes of North Carolina. Vehicles will be detained until screening is completed. In the event a prohibited material is found, the owner will be responsible for the disposal of the prohibited waste and any costs associated with such disposal as well as the identification, if possible of the initial party responsible for disposing of the prohibited waste.
13. The hours of operation of the transfer station shall be as determined by the Madison County Board of Commissioners.
14. Waste disposed of at the transfer station shall comply with the following restrictions:
 - a. The disposal of hazardous wastes shall not be permitted at any disposal site in Madison County.
 - b. Material shall be separated according to waste type.

0.7 VIOLATIONS

It shall be unlawful for any person to:

- a. enter a convenience center or transfer station and/or dispose of refuse outside of designated areas after operating hours, unless such person has first obtained permission from an agent of Madison County who is authorized to grant such permission.
- b. place himself/herself inside a solid waste container unless employed by the Madison County Solid Waste Department or with the permission of an employee of Madison County who has the authority to give such permission;
- c. scavenge or in any manner remove any material from a solid waste container unless such act is authorized by Madison County or its agent;
- d. in any manner remove any material from a solid waste container unless such person is employed by the Madison County Solid Waste Department or has obtained the permission of an authorized agent of Madison County;
- e. place non-recyclable solid waste in a recycling container;
- f. reproduce or counterfeit a Madison County Solid Waste Card;

- g. willfully and intentionally violated disposal methods and/procedures at any Madison County Solid Waste Convenience Center or transfer station.

0.8 TRANSPORTATION

1. Persons or haulers who are found to be transporting or disposing of solid waste that is not allowed in the sanitary or demolition landfills as prescribed in North Carolina Solid Waste Management Rules or the ordinance adopted by Madison County may be denied future access to the County Solid Waste facilities.
2. Vehicles or containers used for transporting solid waste shall be loaded and moved in such a manner that the contents will not leak or spill and shall be covered to keep contents dry and to prevent materials from blowing out of the vehicle. If waste is not secured in the proper manner at a convenience center or the transfer station, the operator of the vehicle shall be responsible for any violations of the regulation which he/she may have committed.
3. All vehicles used for the transportation of solid waste shall be covered or secured by some effective means to prevent the spillage or loss of waste while being transported. Effective means shall include durable, heavy plastic or canvas, or tie downs to secure the entire load, front to rear and side to side. Loads consisting of construction and demolition materials, limbs, or bulky items shall be secured with a rope or tie downs to assure that there is no spillage or littering of waste.

0.9 FEES

1. The cost of solid waste disposal created by regulations imposed by the State of North Carolina and the United States Environmental Protection Agency shall be recovered from the citizens through solid waste fees. Such fees may be imposed by the Madison County Board of Commissioners.
2. The amounts to be charged as the solid waste availability fee shall be established and may be adjusted from time to time by the Board of Commissioners and shall appear in the official minutes of the Board meeting at which said fees are adopted. An annual availability fee shall be assessed to each parcel of land located within the bounds of Madison County that meets the criteria as an improved property as defined in Section 0.1 of the Madison County Solid Waste Ordinance. The annual availability fee of Madison County Solid Waste shall be payable on or before January 1st of each year and will include the issuance of one (1) Solid Waste disposal card. It shall be the responsibility of the property owner to purchase and supply any tenant dwelling on their property with a solid waste card. After payment of the current year's solid waste fee, duplicate cards may be purchased by the property owner or owner's tenant with proof of residency for the fee of \$5.00/each at the Madison County Solid Waste main office or the Tax Office. Solid Waste disposal cards shall be valid from January 1st to December 31st of the calendar year of issuance. Cards issued after July 1st of the calendar year for new users will be issued at a prorated amount for the current calendar year and the full amount of the next calendar year. If no valid Solid Waste card for household waste has been obtained, household waste items may be disposed of at the main transfer station upon proof of a valid County address, at which time the standard tipping fee will apply.
3. The total revenue derived from the solid waste fees and fines shall be utilized for solid waste related expenditures.
4. Loads of waste containing more than one waste type will be charged at the highest rate of any type of waste in said load.
5. Recyclable materials will be accepted at no charge.
6. An annual solid waste hauler permit will apply to contract and/or permitted haulers upon the completion and approval of the Annual Solid Waste Hauler Permit by the Solid Waste Director.

0.10 METHOD OF BILLING, COLLECTION, REFUND, AND RELEASE OF SOLID WASTE FEES

1. The solid waste fees assessed pursuant to this section shall be added, as a separate identified charge to the property tax statements sent to those county taxpayers who are owners of the property. The County Tax Collector is charged with the duty of collecting the solid waste fees which are added to the property tax statements as authorized by NCGS 153A-293. The Tax Collector shall use all lawful means to collect the fees assessed against improved properties, the collection of which she or he is charged, as authorized by NCGS 153A-293, and delinquent fees can be collected in the same manner as delinquent real property taxes, thereby making the delinquent fees a lien on real property as described on the bill that includes the fee. Fees billed in error will be refunded or released according to the policy set forth by the County Board of Commissioners.
2. As set forth in the North Carolina General Statutes, 153A-292, any improved property whose solid waste is collected by a government agency or private contractor for a fee, if the fee imposed by the hauler includes a charge for the availability and use of the disposal facility provided by the County or a disposal facility provided by any other entity that provides the same facilities provided by the County's disposal facilities shall not have the Solid Waste Availability Fee imposed.

If the services provided by the private disposal facility and the County disposal services are not coextensive, a reduced availability fee as set forth by the Madison County Board of Commissioners may be assessed to cover the additional services that the County disposal facilities provide.

3. Any improved property owner, including residential or business may request to dispute the assessment of the Solid Waste Availability Fee with request for appeal by contacting the Solid Waste Department and returning a completed Notice of Appeal Form to the department by October 15th of the year prior to the payment of the next calendar year's bill (the solid waste director in his discretion upon the showing of good cause by an applicant, may accept appeals through and until November 15th of the same year). In the event that the payee has an automatic deduction by their financial institution for the, it will be the responsibility of the payee to appeal the charge.

Upon receipt of the appeal request, the Solid Waste Department shall have twenty (20) days to review and/or complete inspection of the property for which the fee release or refund is being requested. Guidelines for property inspection and regulations for the release or refund of the fee will be conducted in accordance with the policy set forth by the Board of Commissioners. The property owner will be notified of the Department's decision regarding the release not more than ten (10) days after inspection.

Upon the issuance of the decision by the Solid Waste Department, any property owner who disagrees with the decision may contact the Solid Waste Department within seven (7) days to request a hearing to be held by the Solid Waste Appeals Board. The Solid Waste Appeals Board shall consist of five members comprised of the following; County Commissioner, County Manager, Solid Waste Director, Inspections designee, Environmental Health designee. The Solid Waste Department will schedule all hearings to be heard by the Appeals Board. Hearings will be conducted beginning on the first Monday in November and concluding on the last business day in December of each calendar year.

0.11 SUBSIDY PROGRAMS

The County Board of Commissioners may from time to time establish programs which may subsidize assessments or charges imposed relative to the collection and disposal of solid waste. The subsidy programs so established may be amended from time to time by the action of the County Commissioners.

0.12 PENALTIES AND REMEDIES

1. Any person who violates any provision of this Ordinance will be guilty of a misdemeanor, punishable by a fine up to \$250 and/or thirty days in jail. Each violation shall constitute a separate and punishable offense. Any person found attempting to use an unauthorized Madison County Solid Waste card, attempting to fabricate such a card which they do not rightfully possess will be guilty of a misdemeanor, punishable by a fine of \$250 and/or thirty days in jail.
2. The appropriate official of Madison County may institute a proceeding in the General Court of Justice of Madison County for the appropriate equitable remedy or for the abatement of any violation of this Ordinance and the regulations promulgated pursuant to the authority of this Ordinance, and the County may upon hearing and for cause shown, enter such orders as may be appropriate, all as provided for by the laws of the State of North Carolina.

0.13 SEVERABILITY

If provisions of these regulations are held to be invalid, such a declaration shall not invalidate or affect any other provision or clause of these regulations, or the application of such provision to other persons or circumstances.

0.14 CONFLICTS

All enactments or portions of enactments in conflict with the Ordinance are repealed only to the extent necessary to give these regulations full force and effect.

0.15 EFFECTIVE DATE

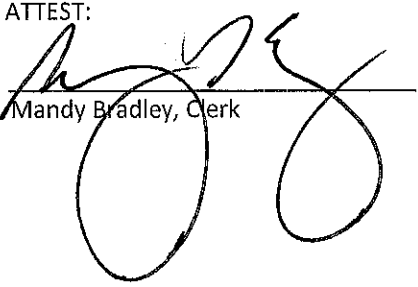
These rules and regulations shall be in full force and effect from and after the 27th day of September 2021.

MADISON COUNTY BOARD OF COMMISSIONERS



Mark Snelson, Chairman

ATTEST:



Mandy Bradley, Clerk