

ORDINANCE GOVERNING THE MANAGEMENT OF SOLID  
WASTE IN ALLEGHANY COUNTY, NORTH CAROLINA

Be It ordained by the Board of County Commissioners of Alleghany County:

That the following ordinance for the protection of public health is hereby adopted pursuant to authority granted by Article 22 of Chapter 153 and Article 3 of Chapter 130 of the General Statutes of North Carolina and amendments thereto and shall govern the management, storage, collection, transportation and disposal of all forms of solid waste throughout Alleghany County.

SECTION I

A. The term "solid waste" means garbage, refuse and other discarded solid materials, including solid-waste materials resulting from industrial commercial and agricultural operations, from individual and commercial residences and from community activities, but does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

B. The term "management of solid waste" shall mean the control, storage, collection, transportation and disposal of all forms of solid waste. Disposal of solid waste shall include the incineration, burial, treatment, processing utilization or final disposal thereof.

C. The term "refuse" means garbage or rubbish.

D. The term "garbage" means all putrescible solid waste.

E. The term "rubbish" means non-putrescible solid waste.

F The term "Health Director" means the director of the Allegheny County Health Department or his authorized representative,

G. The term "Board of Health" shall mean the Allegheny County Board of Health.

H. The term "County Commissioners" shall mean the

Board of Commissioners of Alleghany County.

I. I. The term "person" means any individual, firm, governmental unit, origination, partnership, corporation, company or other legal entity.

## SECTION II -ADMINISTRATION

A. Regulations pertaining to the management of solid waste shall be promulgated by the Board of Commissioners of Alleghany County and the Alleghany County Board of Health.

B. The Health Director is charged with the administration, supervision, execution and enforcement of all regulations pertaining to the. management of solid waste.

C. Pursuant to the authority under this act, the Board of Health shall promulgate regulations pertaining to the management of solid waste which shall be posted at the courthouse door of Allegheny County, together with a statement indicating that the posted regulations have been adopted and that a copy of the regulations are on file in the Office of the Allegheny County Health Department; and shall cause a copy of the regulations to be published for two successive weeks in a newspaper having general circulation within Alleghany County.

D. All amendments, alterations or changes in the rules and regulations promulgated hereunder shall thereafter be promulgated pursuant to, and in accordance with, North Carolina General Statutes Section 130.17 (d).

## SECTION III- SOLID WASTE STORAGE

No person owning or occupying any premises shall permit any solid waste to accumulate upon such premises that is not stored in a manner approved by the Board of Health.

## SECTION IV - SOLID WASTE COLLECTION

The owner and occupier of all promises upon which garbage or other solid waste is stored shall remove or cause to be removed, all such materials from their premises at least once each week.

## SECTION V - SOLID WASTE TRANSPORTATION

No person for hire shall transport solid waste in a conveyance that has not been inspected and approved by the

Health Director and certified as being in compliance with rules promulgated by the Board of Health.

#### SECTION VI- SOLID WASTE DISPOSAL

No person shall dispose of solid waste except by one of the following methods

A. By burning in an incinerator of a type inspected and approved by the Health Director and certified as being in compliance with applicable regulations.

B. By burying in a sanitary landfill that is designed, operated and equipped in accordance with the laws of this State and approved by the Health Director.

C. This ordinance shall not be construed to prevent any person from properly disposing of solid waste produced from his own residence or business establishment by burying It in a manner approved by the Board of Health.

#### SECTION VII- COLLECTION OF SOLID WASTE

No person for hire shall collect or transport solid waste without an appropriate solid waste management permit issued by the Health Director.

A. The Health Director shall issue no permits for the collection or transportation of solid waste without inspection of the facilities, equipment and proposed operating methods of any person making application therefore, and certifying that said facilities, equipment and operating methods are in compliance with regulations promulgated by the Board of Health.

B. Permits for collection and transportation of solid waste shall be issued for a one year period and shall be renewable for similar periods. Any permit may be revoked in the prescribed manner by the Health Director for violation of regulations issued pertaining to the management of solid waste material.

C. Whenever upon the inspection of facilities, equipment or operating methods of any person holding a permit to collect or to transport solid waste, the Health Director finds that conditions or practices of said permit holder are in violation of regulations pertaining to management of solid waste, the Health Director shall give notice in writing to such person that unless such conditions or practices are corrected within ten (to) days, the permit

Will be revoked. At the end of the ten (10) day period, the Health Director shall make a reinspection and if he finds that such conditions or practices have not been corrected, he shall comply with; provided, however, that a permit may be reinstated by order of the County Commissioners.

D Any person whose permit to collect or transport solid waste has been revoked, or whose application therefor has been denied, may file a written petition with the Health Director for review of the denial or revocation within ten (10) days following the day on which the permit was revoked or the application denied. The Health Director shall promptly notify the Chairman of the County Commissioners of the receipt of any such petition, and a hearing to review the decision of the Health Director shall be held within ten (10) days following the receipt of the petition by the Chairman of the County Commissioners. The petitioner shall be given notice of the time and place of hearing on the matter, and shall be given the opportunity to fully state his case before the County Commissioners. After such a hearing, the County Commissioners may either approve the decision by the Health Director or order that a permit be issued. All decisions by the County Commissioners pertaining to permits for the collection or transportation of solid waste, together with all findings of fact pertinent to such decisions, shall become a part of the official minutes of the meetings of the County Commissioners.

#### SECTION VIII - FRANCHISES

No person shall collect and transport solid waste for a fee unless such person holds a valid, current franchise license issued by the County Commissioners empowering him to so collect and transport solid waste.

A. No franchise license to collect and transport solid waste within Alleghany County shall be valid unless the franchise holder:

1. Holds a solid waste management permit issued by the Alleghany County Health Director to collect and transport solid waste; and

2. Charges fees according to the schedule thereof fixed by the County Commissioners in his franchise license.

3. Complies with all rules and regulations

promulgated by the County Commissioners and the Board of Health pertaining to solid waste management.

B. No franchise shall be transferred by a holder without the prior approval of the County Commissioners and the Health Director, and no person shall abandon a franchise without notice thereof to the County Commissioners and the Health Director.

C. Any franchise license granted by the County Commissioners may be terminated by any of the following events;

1. Loss of solid waste management permit by the franchise holder.

2. Non-compliance with the fee schedule promulgated by the County Commissioners.

3. Failure to notify the Health Director and the County Commissioners of the transfer of a franchise.

4. Failure to render prompt and effective service to persons within the area in which the franchise-holder has a permit to operate.

5. Non-compliance with regulations Issued by the County Commissioners pertaining to solid waste management.

D. Any conflict over the grant of a franchise and disagreements over franchise territory shall be determined by the County Commissioners.

E. Any person operating under a franchise shall present to each customer in advance of any agreement with that customer a schedule of his fees. All solid waste shall be removed from the customer's premises at least once per week, provided the customer is not in arrears in payments therefor. F. -

F. Any person with a complaint against the collectors concerning fees, solid waste collection methods or other matters, may appear before the County Commissioners and present his complaint in writing. Upon finding by the county Commissioners that the regulations promulgated pursuant to this ordinance have been violated, the collector may be punished by suspension or revocation of his franchise, or as provided in North Carolina General Statutes Section 153-272.

G. A list of all franchises defining the areas concerned and enumerating the holders of each franchise

shall be maintained in the office of the Clerk of Superior Court of Alleghany County.

SECTION IX - FEES

The County Commissioners shall approve all fees charged by collectors and transporters of solid waste, and shall regulate the fees charged for residential, business and commercial establishments so that reasonable compensation may be provided for such services in accordance with the best interest of the public.

SECTION X - PENALTIES & REMEDIES

A. Any person who violates any regulations adopted by the County Commissioners or the of Health pertaining to solid waste management shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed Fifty Dollars (\$50 .00) or imprisonment not to exceed thirty (30) days, as provided by G .S. 130-203 and G.S. 153-272.

B. The Health Director may bring proceedings in the Courts of Alleghany County for the abatement of any violation of this ordinance and regulations issued pursuant to the authority of this ordinance, and the Courts may upon hearing and for good cause shown, enjoin the continuance of the condition violating these regulations, irrespective of all other remedies at law

SECTION XI - SERVERABILITY

If any provision or clause of these regulations with application thereof to any person or circumstances, is held invalid, such a declaration shall riot invalidate or affect any other provision or clause of these regulations, or the application of such provisions to other persons or circumstances.

SECTUIB XII - CONFLICT

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

SECTION XIII - EFFECTIVE DATE

These rules and regulations shall be in full force and effect from and after the 4th day of February, 1974.

(sig: Leo Tompkins)  
Chairman

ATTEST:  
(sig: Ernest E. Edwards)