

Chapter 52: SOLID WASTE

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General

§ 52.001 TITLE.

This chapter may be cited as the "Solid Waste Ordinance of Beaufort County, North Carolina." "Chapter 51 – Landfills" is hereby repealed and replaced by this Chapter 52.

§ 52.002 PURPOSE.

The purpose of this chapter is to regulate the management, storage, collection, transportation, and disposal of solid waste generated in the county, to ensure proper safe handling, and to provide for the general health of its citizens and protection of the environment.

§ 52.003 AUTHORITY.

The county enacts this chapter pursuant to G.S. Ch. 130A and G.S. Ch. 153A.

§ 52.004 JURISDICTION.

Pursuant to G.S. 153A-122, this Ordinance shall apply to any part of Beaufort County not within a municipality. In addition, the governing board of any municipality within Beaufort County may, by resolution, permit this Ordinance to apply to said municipality. Pursuant to G.S. 153A-132.1, this Ordinance shall also apply to all streets and highways within the county as well as any property owned or operated by the county. Unless otherwise indicated, this chapter also applies to both publicly owned and privately-owned solid waste management facilities located in the unincorporated areas of the county.

§ 52.005 LIABILITY.

As a public service, the county's collection sites may be used by private citizens at the times and under the conditions set forth in this chapter. While the county offers this convenience, the county shall not be responsible for damage to private property or personal injury which may occur on the sites. Neither the county nor its employees shall be liable for damage to private vehicles or personal injury to persons using the county's collection system.

§ 52.006 CHOICE OF LAW AND VENUE.

The State Courts of the State of North Carolina shall have sole jurisdiction over any disputes which arise under this Ordinance or otherwise regarding the parties or properties subjected thereto, and venue shall be proper and shall lie exclusively in the District and Superior Courts of Beaufort County, North Carolina.

§ 52.007 CONFLICT WITH OTHER ORDINANCES OR LAWS.

It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing provisions of any other ordinances or laws other than as outlined in Section 52.001 of this chapter. However, if the requirements of any other lawfully adopted rules, regulations, or ordinances of the County of Beaufort conflict with this Ordinance, the more restrictive requirement or the requirement that imposes the higher standard will govern.

§ 52.008 SEVERABILITY.

If any section of this ordinance is determined to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

§ 52.009—52.049 RESERVED.

§ 52-050 DEFINITIONS.

- (A) The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

Agricultural solid waste means waste produced wholly from agricultural operations directly related to the growing of crops or raising of animals for the primary purpose of making a profit or for a livelihood.

Board means the Board of Commissioners of Beaufort County, North Carolina.

Clean wood means untreated wood pieces and particles that do not contain paint, laminate, bonding agents, or chemical preservatives or are otherwise unadulterated.

Collection means the act of removing solid waste from a point of generation to a central storage point or to a disposal site and from a central storage point to a disposal site.

Commercial solid waste means solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities excluding residential, industrial, and institutional wastes.

Construction or demolition waste means solid waste resulting from construction, remodeling, repair, or demolition operations on buildings, or other structures but does not include inert, land clearing or yard waste debris or used asphalt mixed with dirt, sand, gravel, rock, concrete, or similar nonhazardous material.

Department means the North Carolina Department of Environmental Quality (NCDEQ).

Director means the Beaufort County Public Works Director who is the administrator designated with the responsibility for the solid waste program, or designated representative.

Disposal means the final placement of collected solid waste into a landfill or other lawful site.

Division means the Solid Waste Division of the Beaufort County Public Works Department.

Electronics means waste consisting of televisions, computers, peripherals, etc.

Fee schedule means a listing of fees charged by the County that is determined by the Board of Commissioners at least once per year, typically during the annual budget process.

Garbage means all putrescible wastes, including animal carcasses, and recognizable industrial byproducts, but excluding sewage and human waste.

Hazardous waste means a solid waste, or combination of solid wastes, which 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.

Household bulk waste means solid waste generated in a residence that is generally too large to be accepted by the compactors at the County collection sites. Bulk waste items may include discarded furniture (couches, recliners, tables, mattresses, dressers), and other similar items. For the purpose of this chapter, construction and demolition waste shall not be considered bulk waste.

Household solid waste means any waste generated in a residence in the course of ordinary day-to-day living, including but not limited to food waste, paper, plastic, textiles, metal, and glass.

Incineration means the process of burning solid, semisolid, or gaseous combustible wastes to an inoffensive gas and residue containing little or no combustible material.

Industrial solid waste means solid waste generated by manufacturing or industrial processes that is not hazardous waste.

Inert debris means solid waste which consists solely of material that is virtually inert and likely to retain its physical and chemical structure under expected conditions of disposal.

Inhabitable structural unit means a building structure that has at minimum four walls, foundation, roof, and utilities such as water, sewer or septic, and electrical.

Institutional solid waste means solid waste generated by educational, health care, correctional, and other similar facilities, excluding residential, commercial, and industrial waste.

Land clearing debris means solid waste which is generated solely from land clearing activities, excluding construction and demolition waste.

Landfill means a disposal facility or a part of a disposal facility where solid waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility. A landfill may be publicly or privately owned.

Liquid waste is a non-solid material that has no further use and must be treated and disposed of according to local, state, and federal regulations. For the purposes of this chapter, Used Motor Oil shall be excluded from the definition of liquid waste.

Mixed Metal means ferrous and non-ferrous metallic materials.

Non-putrescible waste means waste that does not contain organic matter having the tendency to decompose and create odors.

Operator means any person, including the owner, who is principally engaged in, and is in charge of, the actual operation, supervision, and maintenance of a solid waste management facility and includes the person in charge of a shift or periods of operation during any part of the day.

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

Processing means any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport; amenable to recovery, storage or recycling; safe for disposal; or reduced in volume or concentration.

Putrescible waste means solid waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to cause obnoxious odors and to be capable of attracting or providing food for birds or animals. The term does not include uncontaminated yard waste or clean wood.

Recovered materials means those materials which have known recycling potential, can be feasibly recycled, and have been diverted or removed from the solid waste stream for sale, use or reuse by separation, collection, or processing.

Recycling means the process by which solid waste or recovered materials are collected, separated, or processed, and reused or returned to use as raw materials or products.

Refuse means all non-putrescible waste.

Sanitary landfill means a facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted by the state and the county or any appropriate federal agency.

Scrap tire means a tire that is no longer suitable for its original, intended purpose because of wear, damage, or defect.

Sharps means needles, syringes, and scalpel blades.

Sludge means any solid, semi-solid or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects.

Solid waste is any material no longer used for its originally intended purpose, which will be discarded, treated to reclaim its original properties or processed to be used for an alternative purpose. “Trash” or “garbage” are terms frequently used in place of “solid waste”.

Solid waste collector means any person who collects or transports solid waste.

Solid waste container means a container used for the temporary storage of solid waste or recyclables while awaiting collection.

Solid waste collection site means any place owned, leased, or operated by the county at which solid waste containers have been placed.

Solid waste disposal site means any place at which solid waste is disposed of by incineration, sanitary landfill, or any other method.

Solid waste management means purposeful, systematic control of the generation, storage, collection, transport, separation, treatment, processing, recycling, recovery and disposal of solid waste.

Storage means the containment of solid waste, either on a temporary basis or for a period of years in a manner which does not constitute disposal.

Transfer facility means a permanent structure with mechanical equipment used for the collection or compaction of solid waste prior to the transportation of solid waste for disposal.

Treatment means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable

for recovery, amenable for storage or reduced in volume. The term "treatment" includes any activity or processing designed to change the physical form or chemical composition of hazardous waste to render it nonhazardous.

Used motor oil means any refined crude oil or synthetic oil intended for use in an internal combustion engine that because of use, storage, or handling has become unsuitable for its original purpose.

White goods means refrigerators, ranges, water heaters, freezers, unit air conditioners, washing machines, dishwashers, clothes dryers, and other similar domestic and commercial large appliances.

Yard waste means solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, leaves, and similar vegetative material. For the purposes of this chapter, this term does not include stumps or material greater than 8" in diameter or 6'-8' in length.

§ 52.051—52.074 RESERVED.

§ 52.075 ANNUAL SOLID WASTE FEES.

- (A) An annual solid waste fee will be billed to the owner of each inhabitable structural unit in the county.
- (B) The annual solid waste fee shall be in accordance with the current schedule of fees adopted by the board of commissioners.
- (C) The annual solid waste fee is intended to recover costs of disposing of household solid waste in the county, the management of the solid waste collection service, scrap tire collection service, yard waste collection service, and other solid waste services.
- (D) Residential, commercial, industrial, or institutional inhabitable structural units will not be billed annual solid waste fees if municipal or private collection services are servicing the tax parcel with a front-end truck, and the County does not pay for the disposal cost of the waste.
- (E) The bill for the annual solid waste fee shall be directed to and paid by the owner of the inhabitable structural unit, even if the unit is occupied or leased by another person. Fees shall be based on the real property tax listings as of January 1 of each year. The tax assessor shall prepare and send bills on or about August 1 of each year.
- (F) As authorized by G.S. 105-360 and G.S. 153A-293, annual 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. Delinquent 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.

§ 52.076-52.099 **RESERVED.**

COLLECTION AND DISPOSAL

§ 52.100 **GENERAL PROVISIONS.**

- (A) All solid waste management in the county shall be in accordance and in compliance with solid waste management rules as set forth by the Department and the Division, as from time to time amended.
- (B) All solid waste shall be stored, collected, transported, treated, processed, reclaimed, recycled, and disposed of in a manner consistent with the requirements of this chapter and with applicable state and federal law.

§ 52.101 **SOLID WASTE STORAGE AND DISPOSAL.**

- (A) No owner, occupant, tenant, or lessee of any property may deposit, store, or permit to accumulate any solid waste upon his property that is not stored or disposed of in a manner prescribed by this chapter.
- (B) The owner, occupant, tenant, or lessee of any property shall remove or cause to be removed all solid waste from his property at a frequency rate that will control odor, rodents, and other nuisance conditions. The recommended frequency rate is once per week.
- (C) Garbage shall be stored only in containers that are durable, nonabsorbent, nonleaking, and easily cleaned. Each container shall be kept clean so that no other nuisance condition exists.
- (D) Solid waste shall be stored in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.
- (E) No owner, occupant, tenant or lessee of a building or dwelling, other than a salvage and/or recycling operation, may place or leave or cause to be placed or left outside the building or dwelling, any wastes for longer than one week.
- (F) No owner, tenant or lessee of any building or dwelling, may leave outside the building or dwelling, in a place accessible to children, any abandoned or unattended icebox, freezer, refrigerator or other receptacle that has an airtight door without first removing the door or locking the door closed, so that entry to the appliance or receptacle by children has been eliminated.
- (G) Construction waste must be disposed of at disposal sites approved and permitted by the department or as permitted pursuant to G.S. 130A, Article 9.
- (H) Regulated medical, hazardous, and radioactive waste must be disposed of according to written procedures approved by the Department.
- (I) All sharps must be placed in a sealed, puncture-proof container prior to disposal with other solid waste.
- (J) Open burning of solid waste is prohibited pursuant to 15A NCAC 02D.1903.

- (K) No person, solid waste collector, or company shall dump or deposit waste into any county-owned collection site except as authorized by state and county regulations.
- (L) No person, solid waste collector, or company shall dispose of hazardous or liquid wastes in any county-owned collection site or transfer station.
- (M) No person, solid waste collector, or company shall dispose of solid waste, except by one of the following methods, provided that:
 1. Sanitary landfill which has been approved by the department.
 2. Collection and recycling centers operated by the county for individual households in the county.
 3. Incinerators which meet all requirements of the local, state, and federal air pollution standards and have been approved by the appropriate state and federal agencies.
 4. Construction/demolition landfill approved by appropriate county, state and federal agencies.
 5. By any other methods including reclaiming or recycling processes which have been approved by the department.
- (N) A violation of this section is punishable as outlined in Section 52.201.

§ 52.102 LICENSING OF HOUSEHOLD SOLID WASTE COLLECTORS.

- (A) Beaufort County will provide payment for disposal of household waste generated in Beaufort County, collected by licensed household solid waste collectors, and disposed of only at the location determined by the County.
- (B) Every person, firm and corporation engaged in the collection of household solid waste in the county, except for one's self, one's firm or corporation, shall first make application to and secure from the Division a privilege license which shall be in a sum per year per person, firm or corporation applying for a privilege, as set in the solid waste fee schedule.
- (C) All licenses issued under this chapter shall be for one year which shall be for the fiscal year beginning July 1, and ending June 30. Licenses issued to household solid waste collectors within a fiscal year shall only be for a period beginning on the date the license is issued and ending the immediately following June 30.
- (D) All licensed household solid waste collectors shall display plainly visible decals or lettering on the collection vehicle showing the name and address or phone number of the owner. The information shall be on file with the Division.
- (E) All licensed household solid waste collectors' vehicles or containers used for the collection of household waste in Beaufort County shall be covered, leakproof, durable and easily cleaned. Open body trucks or other vehicles used in collection and transportation of solid waste shall be covered with canvas or other substantial material to prevent contents from falling, leaking, spilling, or being blown from the vehicle. If spillage or leakage should occur, the material shall be recovered immediately by the licensed solid waste collector and returned to the vehicle or container, and the area properly cleaned.
- (F) Licensed household solid waste collectors shall remove the garbage or refuse of their customers at least once a week from the designated pickup location.

- (G) All solid waste collected shall be disposed of frequently in a licensed sanitary landfill or other approved disposal facility.
- (H) Licensed household solid waste collectors are required to notify the Division 30 days prior to any expected closure of the business.
- (I) No solid waste collector shall dispose of solid waste at the solid waste collection sites provided by the county.
- (J) Applicants denied a license by the Division, within 15 days of denial may request a hearing before the Public Works Director who shall hear the appeal within 15 days of receipt of the request for a hearing. This appeal shall be based on the license application record. Within one week after the hearing, the Public Works Director shall give the applicant written notice of his or her decision. If the decision is denial, the applicant may then appeal to the Board by giving written notice to the County Manager within ten days following receipt of the Public Works Director's decision. The Board shall hear the appeal, which shall be based on the application record and record of the hearing before the Public Works Director. The Board shall either affirm the denial or direct the Public Works Director to issue the license.
- (K) A license may be transferred due to the sale of a company or line of business, without the need for a new license or revocation of the existing license being required, if the licensee notifies the Division of the proposed transfer at least 30 days before the proposed date of the transfer; a written agreement containing a specific date of transfer of license responsibility is submitted to the Division; the transferee provides proof that he or she is, or will be, the owner or operator of the vehicles(s) previously identified by the licensee; and the transferee provides proof that he or she is or will be able to comply with all licensing, collection, transportation, storage and disposal requirements of this chapter.

**§ 52.103 REVOCATION OF HOUSEHOLD SOLID WASTE COLLECTORS
LICENSE.**

- (A) A Beaufort County Household Solid Waste Collector privilege license issued for collection and transportation of household solid waste may be revoked for violations of applicable county, state, or federal regulations pertaining to the management of solid waste.
- (B) Whenever, upon inspection of facilities, equipment, or operating methods or practices of a licensee, the Division finds that conditions or practices exist which are not in compliance with applicable regulations the Division will give notice in writing to the licensee that unless the conditions or practices are corrected or remedied within ten days, then the collector's license may be revoked. The notice shall include date, time, and place of reinspection by the Division.
- (C) If, after reinspection, the Division finds conditions or practices not corrected, the licensee will be notified that his or her license has been revoked. Upon receipt of this notice of revocation, the County shall cease providing payment as outlined in Section 52.102(A).
- (D) The Division may reinstate a revoked license after revocation has been in effect for 30 days if the Division finds that the conditions causing the violation have been corrected.
- (E) The license holder may, within 15 days of revocation, request a hearing before the Public Works Director who shall hear the appeal within 15 days. Within one week after the

hearing, the Public Works Director shall give the license holder written notice of his or her decision. If the decision is denial, the applicant may then appeal to the Board by giving written notice to the County Manager within ten days following receipt of the Public Works Director's decision. After a hearing on the appeal, the Board shall either affirm the denial or direct the Public Works Director to re-instate the license.

§ 52.104 SOLID WASTE COLLECTION.

(A) Solid waste shall be collected by the following methods:

1. Transporting the solid waste to a transfer facility or landfill facility permitted by the department.
2. Placing the solid waste in a receptacle provided at a collection site within the county.
3. Placing the solid waste in a receptacle provided by an incorporated municipality or commercial solid waste collector.
4. Other lawful means.

(B) Collection Sites

1. The county, directly or through contractors, shall provide, operate, and maintain collection sites throughout the county for use by county residents for the purpose of collecting and consolidating residential solid waste prior to transportation to a transfer facility or disposal facility.
2. Collection sites shall be available for use by all persons occupying improved residential property in the county, including persons occupying improved residential property within the incorporated municipalities of the county.
3. Non-residents, businesses, institutions, or any other commercial or industrial establishments are prohibited from using the collection sites.
4. Waste generated outside of Beaufort County is prohibited.
5. The operating schedule will be made public via signage, website postings, press releases, or other appropriate means.
6. All persons entering the collection sites shall observe all rules, regulations, and signs.
7. All persons entering the collection sites shall place all solid waste intended for disposal inside a designated receptacle. No items shall be left at a collection site for the purpose of salvaging by others.
8. No persons shall leave solid waste at the collection site outside the receptacle.
9. The following waste types may be accepted at collection sites when there is a specific area designated for the collection of such items:
 - a. Household Solid Waste
 - b. Household Bulk Waste
 - c. Yard Waste
 - d. White Goods
 - e. Mixed Metal
 - f. Used Motor Oil (and associated filters)

- g. Electronics
 - h. Recycling of specific products, as markets allow.
 - i. Other material as approved by the Commissioners.
10. All other waste types are expressly prohibited from disposal at solid waste collection sites.
 11. No person may loiter, scavenge, or rummage about the collection sites to remove articles therefrom.
 12. No person shall vandalize any property associated with solid waste collection sites.
 13. No person may trespass on property used for solid waste collection during non-operational hours.
 14. Solid waste may be observed and inspected for prohibited materials. Persons attempting to dispose of unacceptable material shall remove such materials from the collection site. Persons refusing to comply shall be subject to penalties set forth in Section 52.201.
 15. Users of the collection sites may be asked to provide information related to their residence location and the origin location of the waste.
- (C) Transfer Station
1. The County shall contract with a company to provide transfer station services.
 2. The following groups or persons shall be exempt from the payment of fees for disposal of garbage or other waste:
 - a. Any group that brings acceptable waste to the transfer station as a result of roadside cleaning activities including the Department of Transportation, or other groups performing public service cleanup activities as authorized by the County Manager or Solid Waste Division.
 - b. Other parties as authorized by the Division.
 3. Residents must pay posted fees for disposal of construction, demolition, land clearing, and all other types of waste other than household waste generated in Beaufort County.

§ 52.105 TRANSPORTATION OF SOLID WASTE.

- (A) Vehicles or containers used for transportation of solid wastes shall be secured by effective means to prevent the blowing or spilling of materials from out of the vehicle. Upon entrance to a collection or disposal site, removal of tarps or similar covers on solid waste shall be prohibited until destination is reached in a designated disposal area.
- (B) Materials blown or spilled during transportation shall be picked up immediately by the transporter and returned to the vehicle or container, and the area properly cleaned.

§ 52.106 LITTERING AND UNAUTHORIZED DUMPING.

- (A) Littering is prohibited pursuant to G.S. 14-399.

- (B) No person may discard, dispose, leave, or dump any solid waste on or along any street or highway or on public or private property unless such solid waste is placed in a receptacle designated for the collection of solid waste.
- (C) It shall be unlawful to leave solid waste at a closed collection site.
- (D) It shall be unlawful for any person to litter at collection sites. Littering shall include dumping solid waste in a solid waste container that causes the container to overflow.
- (E) The owner or operator of a vehicle shall be responsible for dumping, littering, and other violations in which his vehicle is used.
- (F) If any solid waste disposed of in violation of this section 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 section.
- (G) A violation of this section is punishable as outlined in Section 52.201.

§ 52.107 RECYCLING.

- (A) Each person who owns, leases, or manages a residence, residential unit, or place of business, industry, commerce, or other place providing goods or services, or institution, church, or school is encouraged to remove personal recyclable materials from the solid waste generated.
- (B) Nothing in this section is intended to prevent any person from donating or selling recyclable materials to any other person.
- (C) Recyclable material should not be disposed of with other solid waste. Recyclable material collected at collection sites will be dependent on availability of markets for the material.

§ 52.108 SCRAP TIRE FACILITY.

- (A) The county shall operate at least one facility to collect scrap tires.
- (B) Certified scrap tires are:
 1. Generated in North Carolina,
 2. Five or fewer tires, or
 3. More than five scrap tires that are accompanied by a completed NC Scrap Tire Certification form.
 4. Certified scrap tires are not subject to a disposal fee.
- (C) Uncertified scrap tires are:
 1. More than five scrap tires that are not accompanied with a completed NC Scrap Tire Certification form, or
 2. Any scrap tire generated outside of North Carolina.
 3. Uncertified scrap tires are subject to a disposal fee as specified in the fee schedule.

- (D) All tires shall be removed from the rim prior to disposal. Rims shall not be disposed of at the scrap tire collection site.
- (E) It is the haulers responsibility to provide proof of origin of any scrap tire. Beaufort County holds the right to verify the origin of any scrap tire and to deny disposal.
- (F) The operating schedule will be made public via signage, website postings, or other appropriate means.
- (G) All persons entering the scrap tire facility shall observe all rules, regulations, and signs.
- (H) Persons delivering scrap tires to the scrap tire facility shall be required to weigh in and out.
- (I) No person may loiter, scavenge, or rummage about the scrap tire facility to remove articles therefrom.
- (J) No person shall vandalize any property associated with the scrap tire facility.
- (K) No person may trespass on scrap tire facility property during non-operational hours.
- (L) Loads may be observed and inspected for prohibited materials.
- (M) Persons attempting to dispose of unacceptable material shall remove such materials from the scrap tire facility.
- (N) Persons refusing to comply shall be subject to penalties set forth in Section 52.201.

§ 52.109 YARD WASTE PROCESSING FACILITY.

- (A) The county shall operate at least one yard waste processing facility.
- (B) The operating schedule will be made public via signage, website postings, press releases, or other appropriate means.
- (C) Persons delivering yard waste to the yard waste processing facility shall be required to weigh in and out.
- (D) Persons delivering commercially generated yard waste to the yard waste processing facility shall be charged a tipping fee based on the weight of the material as specified in the fee schedule.
- (E) All persons entering the yard waste processing facility shall observe all rules, regulations, and signs.
- (F) No person may loiter, scavenge, or rummage about the yard waste processing facility to remove articles therefrom.
- (G) No person shall vandalize any property associated with the yard waste processing facility.
- (H) No person may trespass on the yard waste processing facility property during non-operational hours.
- (I) Yard waste will be observed and inspected for prohibited materials. Persons attempting to dispose of unacceptable material shall remove such materials from the processing facility.
- (J) Users may be asked to provide information related to their residence location and the origin location of the waste.
- (K) Persons refusing to comply shall be subject to penalties set forth in Section 52.201.

§ 52.110-52.199 RESERVED.

ENFORCEMENT AND PENALTIES

§ 52.200 ENFORCEMENT

- (A) Enforcement of this article shall rest with those governmental agencies and personnel authorized to exercise police powers under G.S. 14-399 and shall include, without limitation, the Beaufort County Public Works Solid Waste Division, the Beaufort County Health Department, and the Beaufort County's Sheriff's Office.
- (B) The provisions of this article shall be enforced by the inspection of property and by the observation of persons who are suspected of violating any of the provisions contained herein. Enforcement personnel are empowered to issue citations, warning citations, or letters of warning when any of the provisions of this article have been violated.
- (C) Enforcement personnel may issue a warning letter or warning citation. Such a letter or warning citation shall state therein the nature of the violation, the corrective measures to be taken, and the time and date when corrections are to be completed. Failure to comply with the corrective measures stated in such warning notices shall be just cause for enforcement personnel to issue a citation for violation of this article.
- (D) Persons found to be in violation of the provision of this article may be allowed to perform remedial cleanup work in lieu of prosecution, injunctive action, or civil penalties at the discretion of the Beaufort County Public Works Solid Waste Division.
- (E) The County shall have the power to collect delinquent accounts by any remedy provided by law for collection and enforcing private debts as provided for in G.S. 153A-277(b).

§ 52.201 PENALTIES.

- (A) The County may, at its discretion, take any one or more of the following courses of action to remedy any violation of this chapter:
 - 1. Denial of Use
 - a. The County may deny use of any solid waste facility to any person due to violation of any section of this chapter.
 - 2. Recovery of Costs
 - a. In addition to other penalties imposed for violations of this chapter, any person determined to have caused the violation shall be liable to the County for any one or more of the following:
 - i. Costs incurred by the County for any cleaning, repair, or replacement work caused by the violation;
 - ii. Expenses, loss, damage, or costs and expenses incurred by the County, including, but not limited to, attorney fees, engineering fees, and other expert and consulting fees caused by the violation; and
 - iii. Other consequential damages, foreseen or otherwise, to the County, including, but not limited to, fees, penalties, damages, and

other costs incurred in the County's defense against claims for such consequential damages.

- b. The Division will determine actual charges. If contested, the Board will determine the amount of charges.
- c. All costs associated with the removal of accumulated solid waste on a property shall be billed to the originator if determined through prima facie evidence.
- d. All costs associated with the removal of accumulated solid waste on a property whose originator cannot be determined shall be billed to the property owner. Failure to pay the costs for the removal of the solid waste will constitute a lien against the real estate enforceable in the same manner as real estate taxes.

3. Civil Penalties

- a. The County may assess a civil penalty for violation of this chapter. The civil penalties shall be divided into three tiers:

- i. Tier One

- a. Littering. Littering includes the improper disposal of small quantities of solid waste on private or public land and highway rights-of-way.

- ii. Tier Two

- a. Scavenging, unauthorized salvaging of discarded items.
 - b. Improper transportation, including uncovered trucks and unsecured loads, or improper vehicles by contract haulers of solid waste.
 - c. Failure to remove solid waste from property within thirty (30) days of notification by the county.
 - d. Violations of county requirements on use of solid waste collection sites.

- iii. Tier Three

- a. Illegal dumping, including leaving solid waste at a closed solid waste facility or dumping in unapproved areas.
 - b. Illegal burning of solid waste

- b. Penalty amounts shall be published in the Solid Waste Fee Schedule.

(B) Criminal Penalties


- 1. In addition to or in lieu of the civil penalties described herein, violators may be criminally charged per G.S. 14-4. Violation of the chapter is a Class 3 misdemeanor and shall be subject to a fine of not more than \$500.00.

§ 52.202—52.998 RESERVED.

§ 52.999 EFFECTIVE DATE.

This Ordinance shall be effective January 1, 2024, and from that date until such time as the County chooses to amend or repeal it.

Passed this 2nd day of September, 2023.

BY: , Chairman
Beaufort County Board of Commissioners

ATTEST: , Clerk to the Board
Beaufort County Board of Commissioners

