

**ORDINANCE TO REGULATE DISPOSITION OF
SOLID WASTE WITHIN CLAY COUNTY, NORTH CAROLINA**

PURSUANT TO NORTH CAROLINA STATUTES 153A-132.1 AND 153A-136, THE CLAY COUNTY BOARD OF COMMISSIONERS ORDAINS THAT:

SECTION I:

- A. It is in the best interest of Clay County that the Clay County Board of Commissioners provide a sanitary landfill for use by the general public.
- B. All persons and organizations, including commercial haulers, who desire to dispose of solid waste generated within Clay County must utilize the county landfill (or such other disposal facility designated by the county commissioners). Any person disposing of solid waste in any place other than the designated landfill or facility shall be guilty of violation of this ordinance. Each day or portion thereof that solid waste material is disposed of or left in a non-designated area shall constitute a separate offense. Persons found in violation of this ordinance may be punished by a fine not exceeding \$50 (fifty dollars) or imprisoned not exceeding thirty (30) days, or both, for each offense.

SECTION II:

- A. All disposal of solid waste at the landfill shall be under the supervision of county landfill personnel.
- B. Medical waste, hazardous waste (including asbestos), will not be accepted at the landfill.
- C. All solid waste will be weighed prior to being placed in the landfill.
- D. An area will be set aside at the landfill for disposal of construction/demolition waste such as concrete, brick, block, lumber, and other waste materials resulting from building construction, demolition, or renovation.
- E. Used tires and white goods shall be placed in an area specified by a landfill attendant.
- F. Used oil will be accepted at the landfill. Used lead acid batteries will be accepted, but will not be placed in the landfill.

SECTION III:

- A. All vehicles or containers used to transport solid waste in Clay County shall be covered or otherwise contained to prevent spillage and littering on streets, highways, or public and private property. Violators of this section shall be punished as a misdemeanor.

SECTION IV:

- A. Commercial haulers, contractors, industry, and any other generator of large quantities of solid waste will be charged a tonnage fee for all solid waste placed in the landfill. Organizations or individuals will be billed monthly, with a due date of the 25th of each month.
- B. Solid waste tonnage fees shall be revised periodically by the Clay County Board of Commissioners in order to keep pace with disposal costs.
- C. All accounts not paid within thirty (30) days from due date will not be allowed to dispose of waste in the landfill until satisfactory arrangements are made. Additional charges of one and one-half percent per month will be added to all accounts not paid by the 25th of the month after charges are incurred.
- D. Commercial haulers of solid waste will be required to operate under a franchise issued by the county. Violation of provisions of the franchise shall be cause for cancellation of the franchise agreement.

SECTION V:

- A. Any ordinances or parts of ordinances in conflict herewith are hereby repealed and this ordinance shall be in full force and effect as an ordinance of Clay County from and after the date of its adoption by the Clay County Board of Commissioners.

SECTION VI:

- A. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions, if otherwise valid, shall continue in full force and effect.

SECTION VII:

- A. This ordinance to regulate solid waste disposal in Clay County, North Carolina, as herewith set forth, adopted or enacted, shall be included in the Code of Ordinances of Clay County.

ADOPTED AND PASSED by the Clay County Board of Commissioners, this
the _____ day of _____, 1994.

Howard Walker, Chairman

Paul Jordan

Robert Scroggs

Donna H. Crowell, Clerk