

TOWN OF BOLIVIA SOLID WASTE ORDINANCE

PREPARED BY THE

TOWN OF BOLIVIA BOARD OF ALDERMEN
105 DANFORD ROAD
BOLIVIA, NC 28422

DATE ADOPTED: JUNE 8, 2021

DATE EFFECTIVE: JUNE 8, 2021

Chapter 1:11 SOLID WASTE

ARTICLE 1. – IN GENERAL

Sec. 1-11-1. – Title.

This Chapter shall be known and may be cited as the Town of Bolivia Solid Waste Management Ordinance.
(Ord. of 7-16-07, art.1)

Sec. 1-11-2. – Purpose.

To promote the public safety, health and welfare of the citizens of the Town through the regulation of the storage, collection, and disposal of solid waste, and the regulation of public health nuisances.
(Ord. of 7-16-07, art. 1)

Sec. 1-11-3. – Jurisdiction.

This chapter shall govern the Town of Bolivia.
(Ord. of 7-16-07, art.1)

Sec 1-11-4. – Authority.

The ordinance from which this chapter derives is adopted pursuant to the authority contained in G.S. 14-4, G.S. 160A-174, G.S. 160A-175, G.S. 160A-176, G.S. 160A-177, G.S. 160A-193 G.S. 143-215.112, 15A NCAC 2D.1901.

***** See Page 10 for Amendment 0001 correcting above G.S. Statues.

Sec. 1-11-5.- Board of Aldermen

The Board of Aldermen shall enforce the provisions of this chapter.
(Ord. of 10-2-06(3), art.1)

Sec. 1-11-6. – Definitions.

For purposes of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Failure to satisfy a mandate or obligation where the word "shall" is used shall be considered an unlawful violation of this chapter subjecting the responsible person to all appropriate penalties. Words used in this chapter that are not found in this definition section take the generally accepted meaning found in a standard dictionary. The following definitions shall apply in the interpretation and the enforcement of this chapter (G.G. 130A-290).

Abandoned shall mean any accumulated junk or refuse which remain on the property of any person who is not the owner or former owner of such accumulated junk or refuse for a period of seventy-two (72) hours after notice of violation of this chapter shall be presumed to be abandoned.

Motor Vehicle. All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

Abandoned Motor Vehicle. A motor vehicle that:

1. Has been left upon a street or highway in violation of a law, provision of this ordinance, or other ordinance of the town prohibiting parking;
2. Is left on property owned or operated by the town for longer than twenty-four (24) hours;
3. Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two (2) hours; or

4. Is left on any public street or highway for longer than seven (7) days.

Junked Motor Vehicle, A motor vehicle that:

1. Is partially dismantled or wrecked, whose major parts have been removed so as to render the vehicle inoperable and incapable of passing inspection as required under existing standards;
2. Cannot be self-propelled or moved in the manner in which it was originally intended to move;
3. Does not display a current license plate;
4. Whose certificate of registration has expired and the registered and legal owner no longer resides at the address listed on the last certificate of registration on record with the state department of transportation;
5. Is more than five years old and worth less than \$100.00.

Nuisance Vehicle. A motor vehicle on public or private property that is determined and declared to be a health hazard, a public nuisance, or unlawful, including a vehicle found to be:

1. A breeding ground or harbor for mosquitoes, other insects, rats, or other pests;
2. A point of heavy growth of weeds or other noxious vegetation over eight inches in height;
3. A point of collection of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor;
4. A point of collection of pools or ponds of water;
5. So situated or located that there is a danger of it falling or turning over;
6. One which has areas of confinement which cannot be operated from inside, such as trucks, hoods, and the like;
7. A point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind;
8. One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass;
9. Used by children in play activities;
10. Any other vehicle specifically declared a health and safety hazard or a public nuisance by the Board of Aldermen.

Safety Hazard shall mean an abandoned, junk, or nuisance shall be declared to be a safety hazard when its condition is such that the motor vehicle's areas of confinement which cannot be opened from the inside, such as a trunk compartments and engine compartments and engine or glass, windows, or any exterior or interior fixtures present physical dangers to the safety and well-being of children or other persons.

Accumulated junk shall mean abandoned, junked, or nuisance vehicles, wrecked, scrapped, disassembled, unusable, cannibalized, inoperable or un-repairable boats, boat trailers, manufactured homes, recreational vehicles, construction equipment, appliances, vehicle tires, engines, transmissions, frames axles, as well as parts and accessories of these objects; used building materials and all other non-vegetative debris collected or stored at a private residence or property or business establishment, or any non-vegetative debris blown or otherwise deposited onto property owned by third persons, by flood, storm, or other natural event.

Bulky waste shall mean large items of solid waste such as household appliances, furniture, large auto parts, trees, branches, stumps, and other oversized wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.

Collection shall mean the act of removing solid wastes 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 shall mean solid wastes generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities.

Commercial establishment shall mean any retail, manufacturing, wholesale, institutional, religious, or governmental establishment at which garbage, business trash, salvage material, junk, or other refuse may be generated.

Construction and demolition debris shall mean solid waste resulting solely from construction, remodeling, repair, or demolition operation on pavement, buildings, or other structures, but does not include inert debris, land-clearing debris, or yard waste.

Construction and demolition landfill shall mean a landfill created specifically to receive only debris resulting solely from construction, remodeling, repair, or demolition operation on pavement, buildings, or other structures, but not including inert debris, land-clearing debris, or yard debris. A construction and demolition landfill operating under a franchise from the county shall be primarily governed by the terms of its franchise and state permit, and secondarily by this chapter where it is otherwise not inconsistent.

Convenience sites shall mean collection sites located within the county for persons other than commercial collection services to deposit garbage, household trash, household furniture, appliances, tires and recyclables.

Town shall mean Town of Bolivia.

Detachable container shall mean a commercially manufactured unit used for collecting, storing and transporting construction debris, business trash, industrial waste, accumulated junk, hazardous waste, refuse, or yard waste. The unit may use an auxiliary stationary packing mechanism for compaction of materials into the container and may be of the open or enclosed variety. The distinguishing feature of a detachable container is that it is picked up by a specially equipped truck and becomes an integral part of the truck for transporting the waste materials to a disposal site.

Garbage shall mean the by-product of animal or vegetable foodstuffs resulting from the handling preparation, cooking, and consumption of food, or other matter that is subject to decomposition, decay, putrefaction, or the generation of noxious or offensive gases or odors, or which after decay, may serve as breeding or feeding material for rodents, flies, insects, or animals.

Generator, solid waste. See *Solid waste generator*.

Hazardous waste shall mean hazardous waste means a waste, or combination of wastes, that 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; or any waste that falls within the definition provided by any applicable state or federal statute.

Household trash shall mean any accumulation of paper, sweepings, dust, rags, bottles, cans, or other matter of any kind, other than garbage, that is attendant to normal residential housekeeping or maintenance.

Infectious waste shall mean equipment, instruments, utensils, and fomites, (used bandages) of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease.

- (1) Laboratory wastes, such as pathological specimen (e.g., all tissues, specimens of blood elements, excreta, and secretions from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto;
- (2) Surgical operating room pathologic specimens and disposal fomites attendant thereto, and similar disposable materials from outpatients areas and emergency rooms.

Industrial waste shall mean all waste, including solids, semisolids, sludge, and liquids created by commercial companies, factories, processing plants, and manufacturing enterprises.

Inoperable equipment shall mean any piece of equipment not currently awaiting repairs that is not capable of functioning and/or operating for the purpose in which it was manufactured or intended.

Junk. See Accumulated Junk.

Junkyards. Junkyards are **NOT** permitted within the Town of Bolivia city limits.

Junkyard shall mean a commercial facility that stores for a fee, for resale either in whole or in parts, or for salvage, more than six (6) motor vehicles not having a current license plate that cannot move under their own power and are not currently awaiting repair, or a commercial facility that uses more than six hundred (600) square feet of any lot for the storage of accumulated junk, including scrap metals, or other scrap materials, or for the dismantling of automobiles or other vehicles, mobile homes or machinery for a fee, for resale either in whole or in parts, or for salvage. In addition, a residence or lot that stores for personal use vehicles not having a current license plate that cannot move under their own power and are not currently awaiting repair, or a residence or lot that contains more than two hundred (200) square feet on the premises for the storage of accumulated junk, including scrap metals, or other scrap materials, or for the dismantling or abandonment of automobiles or other vehicles or machinery for any use shall be considered a junk yard. Residents shall store any the above items in a building or area that cannot be seen from public view or the abutting properties. For purposes of this chapter, this standard does not apply to vehicles that are classified as antiques and registered pursuant to G.S. 2-137-14.

Landfill shall mean county disposal facility or part of a disposal facility where solid waste is placed in or on land and that is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility, or a surface storage facility.

Litter shall mean any discarded, used, unconsumed, non-containerized substance or solid waste, including but not limited to, any garbage, household trash, business trash, refuse, debris, rubbish, yard waste, tree and shrubbery trimmings, newspaper, magazines, glass, metal, plastics, plastic or paper containers, or other packaging, construction debris, junk motor vehicle parts, furniture, dead animal carcasses, cloth, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, or solid waste that has been discarded, abandoned, or otherwise disposed of in a manner not in compliance with this chapter.

Littering shall mean to scatter or cast, throw, place, sweep, or deposit anywhere within the town any litter in a manner that it may be carried or deposited by the elements upon any public or private property or upon any street, sidewalk, alley, sewer, parkway, waterway (including streams, creeks, rivers, lakes, or ponds) or other public place.

Loading and unloading area shall mean any dock or ramp, space or area used by any moving vehicle or watercraft for the purpose of loading/unloading receiving, shipping, and transporting goods, wares, commodities, or persons.

Medical waste shall mean any solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biological, but does not include any hazardous waste, radioactive waste, household waste as defined in 40 Code of Federal Regulations § 261.4(b)(1) in effect on 1 July 1989, or those substances excluded from the solid waste definition in G.S. § 130A-290.

Nuisance shall mean any action or condition that is dangerous or prejudicial to public health, welfare, or safety.

Person shall mean any public or governmental instrumentality or office and any public or private individual, firm, company, partnership, corporation, or association.

Public vehicular area shall mean any public road maintained by the state or local municipality for public travel, and all private roads that provide access to two (2) or more residences or commercial establishments.

Public view shall mean any area that may be seen from any public vehicular area.

Radioactive waste shall mean any wastes that emit ionizing radiation spontaneously.

Receptacle, solid waste. See *Solid waste receptacle*.

Refuse shall mean all accumulations of solid waste consisting of, without limitation, garbage, household trash, or business trash as herein defined.

Refuse receptacle shall mean a corrosion resistant metal or plastic container of substantial construction, with tight fitting lid, provided with wheels and/or handles sufficient for safe and convenient handling of refuse.

Responsible person shall mean any owner, agent, tenant, lessee, or any other person in possession or control of solid waste, or a residence, commercial establishment, parcel of land, or motor vehicle that generates solid waste or from which solid waste is discarded or disposed.

Salvage shall mean the dismantling, reclamation or storage of used components, parts, accessories, junk and similar materials for purposes of processing, resale, exchange, distribution or other disposition.

Salvage material shall mean used materials, components, parts, accessories, equipment, construction supplies, or any other previously used materials stored on location for purposes of processing, resale, exchange, distribution or other disposition.

Salvage yard shall mean those establishments or facilities that deal in salvage material, to include, without limitation, private yard sales conducted in excess of forty-eight (48) continuous hours.

Solid waste shall mean useless, unwanted, or discarded material including, without limitation, accumulated junk, bulky waste, business trash, construction debris, garbage, household trash, litter, medical waste, liquid waste, antifreeze, petroleum by-products, recyclables, abandoned and junked vehicles, refuse, and hazardous waste.

Solid waste management shall mean the purposeful, systematic control of the generation, storage, collection, transport, separation, processing, recovery, and/or disposal of solid waste.

Solid waste receptacle shall mean a large container used for the temporary storage of solid wastes and capable of being automatically emptied into collection vehicles.

Unsecured shall mean missing doors, windows or unable to lock as the original manufacture designed or any openings into which a person, animals and water may enter that may cause entrapment or injury, or be a breeding ground or nest for mosquitoes, insects, rats, or other pests.

Yard waste shall mean tree branches, tree limbs, parts of trees, bushes, shrubbery cuttings or clippings, or other items created as a result of trimming, cutting, or pruning trees or bushes, also the accumulation of lawn grass, shrubbery, vine cuttings or clippings, and/or dry leaf rakings.

(Ord. of 10-2-06(3), art. II)

Sec. 1-11-7. – Littering.

It shall be unlawful for any person to engage in littering as defined herein; or violate any provision of G.S. 14-399. Throwing, scattering, spilling, placing, dumping depositing, causing or allowing to be blown, scattered, spilled, thrown or placed, or otherwise disposing of any solid waste upon any property with or without the consent of the property owner unintentionally or intentionally.

(Ord. of 10-2-06(3), art. IV)

Sec. 1-11-8. – Burying/submerging solid waste.

- (a) It shall be unlawful to bury in the earth or submerging in a body of water solid waste material for the purpose of disposal. With the exception of beneficial fill –those materials excepted by the state to fill in a low lying area and which comply with the county's, state's, and federal building codes or any environmental laws/regulations. The types of beneficial fill excepted to fill in a low lying area are as followed; concrete, cinder block, brick and asphalt.
- (b) Permitted landfill sites which are approved by the Board of Aldermen which either meet or exceed the state and federal laws and regulations are exempt from the proceedings set forth in this chapter.

(Ord. of 10-2-06(3), art. IV)

Sec. 1-11-9. – Miscellaneous.

- (a) *Remedies cumulative.* The procedures set forth in this article shall be in addition to any other remedies that may exist under law or article.
- (b) *Conflicting ordinance repealed.* All ordinances/regulations or parts of ordinances/regulations including the ordinance regulating the operation of solid waste containers that may be in conflict with this chapter are repealed only to the extent necessary to give ordinance from which this chapter derives full force and effect. In the event of conflict, the specific provisions or language of this chapter shall control over the general or specific language of any other ordinance.

(Ord. of 10-2-06(3), art. XI)

Secs. 1-11-10 – 1-11-20. – Reserved.

ARTICLE II. – SOLID WASTE COLLECTION AND DISPOSAL

Sec. 1-11-21 – All Solid Waste Collection, Disposal, and Enforcement are governed by Brunswick County.

ARTICLE III. – PUBLIC HEALTH NUISANCE ABATEMENT

Sec. 1-11-61.- Identification of public health nuisance.

Nuisance means any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- (1) Injures or endangers the health or safety of others; or
- (2) In any way renders reasonable persons insecure in life or the use of property, or produces unreasonable, unwarrantable or material annoyance, discomfort or hurt to other persons.

(Ord. of 10-2-06(3), art. VII)

Sec. 1-11-62. – Illustrative enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are declared to be and constitute a nuisance; however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (1) Accumulation of rubbish, garbage, trash, refuse, junk and other abandoned materials, metals, lumber or

other things.

- (2) Any condition which provides harborage for rats, mice, snakes and other vermin.
- (3) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (4) The pollution of any waterway, creek, stream, pond, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.

(Ord. of 10-2-06(3), art. VII)

Sec. 1-11-63. – Prohibited.

It shall be unlawful for any person to cause, permit, maintain, make or allow or contribute to the creation or maintenance of a nuisance.

(Ord. of 10-2-06(3), art. VII)

Sec. 1-11-64. – Notice to abate.

Whenever a nuisance is found to exist within the town, the Board of Aldermen or some other duly designated officer, or agent of the town shall give written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing, maintaining or continuing the nuisance.

(Ord. of 10-2-06(3), art. VII)

Sec. 1-11-65. – Contents of notice.

The notice to abate the nuisance issued under the provisions of this chapter shall contain:

- (1) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable Under the circumstances.
- (2) The location of the nuisance, if it is stationary.
- (3) A description of what constitutes the nuisance.
- (4) A statement of facts necessary to abate the nuisance.
- (5) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the town may abate such nuisance and assess the cost of abatement against such person.

(Ord. of 10-2-06(3), art. VII)

Sec. 1-11-66. – Service of notice.

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

(Ord. of 10-2-06(3), art. VII)

Sec. 1-11-67. – Abatement by Town.

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this article to abate the nuisance, the Town shall proceed to abate such nuisance and shall prepare a statement of costs incurred in its abatement.

(Ord. of 10-2-06(3), art. VII)

Sec. 1-11-68. – Town's costs declared lien.

Any and all costs incurred by the town in the abatement of a nuisance under the provisions of this article shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed with the tax administrator and collected in the same manner as provided for the collection of ad valorem taxes up to and including foreclosure. Such lien shall be notice to all persons from the time of its filing with the tax administrator and shall bear interest at the legal rate thereafter until satisfied.

(Ord. of 10-2-06(3), art. VII)

Sec. 1-11-69. Administrative hearing.

At any time before the expiration of the period specified in the notice to abate or specified for payment of the civil citation, the owner or occupant of the property or, in the instance of a citation the person cited, may request a hearing before the Board of Aldermen. The request for a hearing must be in writing and must be filed in the Town's office. The Board of Aldermen shall fix a time for the hearing, and the initial abatement order or citation collection may be temporarily suspended pending such hearing. At the hearing, the individual affected by the order or citation shall be given the opportunity to present evidence to refute the findings that support the abatement order or citation. Upon completion of the hearing, the Board of Aldermen shall consider the evidence before them and shall either revoke the initial order, issue a final order that differs from the initial order, or reinstate the initial order as a final abatement order.

(Ord. of 10-2-06(3), art. VII)

Sec. 1-11-70. – Obstructing justice.

Any person who, with intent to interfere with, obstruct or impede any official, employee, agent or contractor of the town engaged in the abatement of any nuisance set forth in this article shall be guilty of a class 3 misdemeanor, punishable by a fine of not more than five hundred dollars (500.00).

(Ord. of 10-2-06(3), art. VII)

Secs. 1-11-71 – 1-11-85. – Reserved.

ARTICLE IV. – ENFORCEMENT/CITATIONS/PENALTIES

Sec. 1-11-86. Enforcement.

Enforcement of this chapter shall rest with those government agencies and personnel authorized to exercise police powers under G.S. 14-399, and G.S. 153A-123 and shall include, without limitation within the town, Board of Aldermen, code enforcement officers, sheriff deputies, fire marshal(s), the county health director or his designee(s), and building code inspectors.

(Ord. of 10-2-06(3), art. X)

Sec. 1-11-87. – Citations.

Enforcement personnel are hereby empowered to issue citations to any person if there is probable cause to believe that such a person has violated any of the provisions of this chapter. Citations so issued may be served in person on the violator by the officials stated also they may be mailed to the person by certified mail if such a person cannot readily be found or if reasonable attempts have been made to effect service of the written citation upon the responsible person(s) by delivery or certified mail have been unsuccessful, then a citation may be provided by posting the citation upon the dwelling in which the violator resides in a conspicuous place for a period of not less than fourteen (14) days.

Any citation so served shall direct the violator to make payment of the fine provided therein to the Town of Bolivia on or before a specific day and hour named in the citation and to present evidence of the remedy of any violation of this chapter in accordance with article II and the period so specified shall not be less than seventy-two (72) hours after service or delivery to the violator. If the violator is served by mail, the violator shall have six (6) days after the return receipt date to respond to the citation. If the violator is served by posting the violator's dwelling, the violator shall have seventeen (17) days after the date of notice was posted to respond to the citation.

- (1) To ensure proper disposal of solid waste and that the material is not relocated to an unapproved Collection site. The violator shall show proof of proper disposal of material that is in violation by receipt or some form of verification from the attendant operating an approved solid/hazardous waste collection site. Failure to show proper proof of disposal shall result in a separate offense which the violator will have to pay three (3) times the cost of the county landfill tip fee for that approximated weight of the material + one hundred dollars (\$100.00) for failure to comply to the articles set forth.
- (2) If the violator does not appear in response to the above described citation, the officer shall forthwith have a complaint entered against such person and secure and issue a warrant for his or her arrest. The arrest shall be for the violation of the section of this chapter charged in the citation and upon conviction the defendant shall be subject to the penalties prescribed.
- (3) The enforcement personnel above stated may issue a warning citation without fine in the case wherein the opinion of the officer a violation of this chapter may be remedied without the necessity for criminal prosecution. A warning citation may not be issued in the case where the public safety is endangered.
- (4) Persons found to be in violation of the provision of this article may be allowed to perform remedial cleanup work in compliance with article II in lieu of prosecution, injunctive action, or civil penalties when in the discretion of the Board of Aldermen.

(Ord. of 10-2-06(3), art.X)

Sec. 1-11-88. – Penalties.

Enforcement personnel are empowered to issue citations for penalties as shown below.

a. Violations as stated in this ordinance.

- 1st offense\$100.00
- 2nd offense \$200.00
- 3rd offense and subsequent violations\$400.00

- b. To ensure proper disposal of solid waste and that the material is not relocated to an unapproved collection site. The violator shall show proof of proper disposal of material that is in violation by receipt or some form of verification from the attendant operating an approved solid/hazardous waste collection site. Failure to show proper proof of disposal shall result in a separate offense which the violator will have to pay three (3) times the cost of the county landfill tip fee for that approximated weight of the material + one hundred dollars (\$100.00) for failure to comply to the articles set forth.

TOWN OF BOLIVIA

ORDINANCE AMENDMENT # 0001

Official Date of Amendment Change: 07/27/21

Name of Ordinance: Solid Waste

Amendment:

Sec.1-11-4. – Authority

Text Change to change General Statues from G.S. 143-215-112, G.S. 153A-121, G.S. 153A-123, G.S. 153-132.1, G.S. 153A-136, G.S. 153A-140, to G. S. 143-215.112, G. S. 160A-174, G.S. 160A-175, G.S. 160A-176, G.S. 160A-177, G.S. 160A-193.

Amended page of the original ordinance 1

Public Hearing - Date 07/27/2021

Recorded in Minutes - Date 07/27/2021


Zoning Administrator