

CHAPTER 50: SOLID WASTE

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(Ord. passed 6-6-77; Am. Ord. passed 09-05-23)

WASTE COLLECTION FACILITIES**§ 50.01 PURPOSE.**

The purpose of this subchapter is to protect and promote the health, safety, and general welfare of the citizens of Haywood County by the regulation of accumulation, storage, disposal and use of solid waste collection facilities in the county, including the landfill, materials recovery facility, and convenience centers which are situated throughout the county, by regulating the type of solid waste which can be deposited in and around the containers, and regulating the use of the containers with regard to cleanliness, safety, and aesthetics.

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(Ord. passed 6-6-77; Am. Ord. passed 6-5-06; Am. Ord. passed 06-04-12; Am. Ord. passed 09-05-23)

§ 50.02 AUTHORITY AND SCOPE.

This subchapter is authorized under, and by virtue of, the general ordinance making power set forth in G.S. § 153A-121 and the power to regulate solid waste as set forth in G.S. § 153A-136. (Ord. passed 6-6-77)

§ 50.03 ADMINISTRATION AND ENFORCEMENT; GRANTING OF PERMITS

(A) The Board of Commissioners shall administer, interpret and enforce the provisions of this chapter by and through the Solid Waste Administrator or his/her representatives. For the purpose of this chapter, representative shall mean any employee within the Solid Waste Department or otherwise designated by Haywood County.

(B) For the purpose of providing the proper collection, transportation, recycling and/or disposal of solid waste within the county, the Board may grant by license or franchise, the right to collect, transport, recycle and/or dispose of solid waste for compensation.

(C) All haulers of waste are required to register with Haywood County Solid Waste. Registration allows for the use of Haywood County Facilities including but not limited to White Oak Landfill and the Materials Recovery Facility. Haywood County may charge a fee as adopted by the Board of County Commissioners.

(Ord. passed 6-6-77; Am. Ord. passed 6-5-06; Am. Ord. passed 09-05-23)

§ 50.04 DEFINITIONS

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. When consistent with the context, words used in the present tense include the future tense, words used in the plural include the singular and words in the singular include the plural. The word “shall” is always mandatory and not merely directive.

APPAREL. A business offering clothing for sale.

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

BOARD. The Board of Commissioners of Haywood County, North Carolina.

BULKY WASTE. Large items of solid waste such as furniture, mattresses, box springs, and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.

CAMPGROUNDS. A property that offers temporary or permanent rental for tent camping, towed campers, recreational vehicles or manufactured houses.

CAMPERS – LONG-TERM Campers for a period of (8) months or more which could include the previous year and as of January 1st of the current year either by physical location or contract for that site.

CAMPERS – TEMPORARY vacant hook-ups for rent on a night-by-night rental

CIVIL PENALTY. A monetary fine assessed due to a violation of this chapter.

COLLECTOR. Any person who picks up or hauls solid waste or recyclable materials for a fee.

COMMERCIAL ESTABLISHMENT. Any retail, wholesale, institutional, religious, governmental service establishment, or other non-residential establishment, which may generate solid waste.

COMPOSTING. The controlled decomposition of organic waste by naturally occurring bacteria, yielding a stable, humus-like, pathogen-free final product.

CONSTRUCTION OR DEMOLITION (or C and D). When used in connection with “waste” or “debris” means solid waste resulting solely from construction, remodeling, repair or demolition operations on pavement, buildings or other structures. This will include all items attached to the building or structure, including but not limited to carpet, flooring, siding, windows, wood, roofing, concrete, insulation, doors, sinks and toilets.

CONTAINER OR DUMPSTER. A receptacle used for the temporary storage of solid waste prior to entering a Haywood County solid waste disposal facility.

CONVENIENCE CENTER. A site used for the collection of residential household waste and recyclables.

CONVENIENCE STORE. A small market offering various sundries and sales which may include the sale of petroleum such as gasoline and diesel.

COUNTY. Haywood County, a body politic and political subdivision of the State of North Carolina.

COVERED. Encased by a tarpaulin, camper-cover, metal cover, rigid cover, plastic, canvas or other suitable material, which is secured to prevent spillage, leakage, or materials from blowing from the vehicle. Solid waste in plastic bags shall not be considered covered except during the transportation of garbage by the resident of a dwelling from that dwelling to a disposal area.

DEPARTMENT. The North Carolina Department of Environmental Quality.

DEPARTMENT STORE. is a retail establishment offering a range of consumer goods in different sections of the store.

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DISPOSAL FACILITY. A site that has been established for the collection or disposal of solid waste or recyclables.

DWELLING. Any building, structure, manufactured or mobile home, tiny home or part thereof, used or intended to be used or occupied for human habitation.

EMPLOYEE(S) / INDEPENDENT SUBCONTRACTOR(S). The business assessed the Solid Waste Availability Fee based on the number of employees / independent subcontractors.

EPA. The United States Environmental Protection Agency.

FACILITY OR FACILITIES. Any land parcel owned, operated, or managed by Haywood County or contractor for Solid Waste collection, transport, or disposal including but not limited to: the landfill, materials recovery facility, and convenience centers.

FOOD TRUCKS. A mobile or stationary food truck providing **meals or refreshments to be purchased** that is not part of an establishment currently paying an availability fee.

GARBAGE. All putrescible wastes, including animal offal and carcasses and recognizable industrial by-products, but excluding sewage and human waste.

GROCERY STORE. Retail market selling foods and household merchandise.

SMALL a retail market selling specialty food items.

LARGE a super-market specializing in a wide variety of food, beverage, and household products organized into sections.

HAULER. Any person or commercial enterprise, permitted or not, who collects and transports refuse or other solid wastes or recyclable materials on public or private streets in Haywood County.

LARGE HAULER – Transport vessel that can be unloaded without the use of physical labor.

SMALL HAULER - Transport vessel that can ONLY be unloaded with physical labor.

HAZARDOUS WASTE.

- (1) A hazardous waste is a waste with properties that make it dangerous or capable of having a harmful effect on human health or the environment.
- (2) Any substance classified as a hazardous waste by EPA.

HOSPITAL. An institution where the sick or injured are given medical or surgical care.

HOTELS/MOTELS. An establishment that provides lodging either in short-term or long-term rental.

HOUSEHOLD HAZARDOUS WASTE.

INDIVIDUAL. Any person, organization, business or other entity generally capable of owning real estate or personal property

INDUSTRIAL WASTE. All waste, including garbage, solids, semi-solids, sludges, and liquids created or generated by factories, processing plants or other manufacturing enterprises.

INNS. An establishment that provides lodging on a nightly basis.

NON-OCCUPIED DWELLING. A dwelling that is not being occupied and has only electrical basic customer charge with minimal usage.

MANUFACTURING. A business that makes products suitable for use or sale or makes from raw materials by hand or by machinery.

MATERIALS RECOVERY FACILITY/TRANSFER STATION. The county facility established to process solid waste for transfer to the landfill and to sort and process recyclables.

MIXED PAPER. Envelopes, catalogs, newspaper, bulk mail, magazines, computer paper, copy paper, file folders, phone books, gray cartons, adding machine tapes, letters, scratch pads, soft covered books and other material as defined by the Solid Waste Administrator.

NURSING HOMES. An establishment providing maintenance and personal care for persons (as the aged or the chronically ill) who are unable to care for themselves. This includes family-care homes, intermediate care facilities and skilled nursing facilities.

OPEN DUMP. The consolidation or collection of solid waste from one or more sources at a disposal site that does not have a State (NC) permit and/or does not comply with the rules set forth in G.S. 130A-294, which has unsanitary conditions, insignificant or no cover, or insignificant or no management.

PERMIT. Written authorization from the Solid Waste Administrator to haul solid waste or recyclable material in Haywood County for hire or compensation.

PERMITTED HAULER. Any solid waste or recyclable material hauler authorized by the Solid Waste Administrator to transport refuse, solid waste or recyclable material for hire or compensation.

PERSON. Any individual, firm, organization, partnership, corporation, company or unincorporated association.

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PUTRESCIBLE WASTE. Solid waste capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisance from odors and gases, such as kitchen wastes, offal and carcasses.

RADIOACTIVE MATERIAL. Any material which emits ionizing radiation spontaneously.

RECYCLE, RECYCLABLES, OR RECYCLABLE MATERIAL. Those materials or that process by which solid waste, or materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

RUBBISH. All non-putrescible solid waste.

REFUSE. All non-putrescible waste.

REFUSE RECEPTACLE OR RECEPTACLE. A metal or plastic container or a container made of other material approved by the Solid Waste Administrator.

REGULATED MEDICAL WASTE. Blood, body fluids, or other potentially infectious materials,, microbiological, sharps, pathological, pharmaceutical, research, commercial (including health care, hospital, etc.) and industrial laboratories waste.

REHABILITATION CENTER. An establishment that helps to bring to a condition of health or personal care for persons (as the aged or the chronically ill) who are unable to care for themselves. This includes intermediate care facilities and skilled nursing facilities.

RESTAURANTS. A business establishment where meals or refreshments may be purchased.

RETREAT CENTER. Property used by individuals or groups with the purpose of entertainment, vacation or conferences.

SOLID WASTE. Any hazardous or non-hazardous garbage, or other refuse, rubbish, litter, trash, tires, and other discarded solid waste materials, and solid or semi-solid waste materials resulting from industrial, commercial, and agricultural operations from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt dissolved or suspended solids in industrial wastewater effluent, dissolved materials in irrigation return flows or other common water pollutants, or ***YARD WASTE*** produced by a residence. As used herein, solid waste shall refer collectively to any or all of the aforementioned waste materials unless otherwise specified.

SOLID WASTE ADMINISTRATOR. The person designated by the Board or County Manager with the overall direction and day-to-day operation of Haywood County Solid Waste facilities.

SOLID WASTE FEES and any other fees approved by the BOARD. Those charges associated with the collection, processing, transfer and disposal of ***SOLID WASTE***.

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

UNSANITARY ACCUMULATION. Any amount of solid waste which is odoriferous, pestiferous, or otherwise threatening to human health as determined by the Solid Waste Administrator.

USED MOTOR OIL. Any 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.

YARD WASTE. Waste consisting solely of vegetative matter resulting from landscaping maintenance such as leaves, grass, limbs or trimmings. Stumps are not considered yard waste.

(Ord. Passed 6-6-77; Am. Ord. passed 6-5-06; Am. Ord. passed 8-4-08; Am. Ord. passed 06-04-12; Am. Ord. passed 09-05-23)

§ 50.05 PROHIBITED MATERIALS AT COUNTY WASTE FACILITIES.

- (A) Solid waste convenience centers are maintained at numerous sites throughout the county for the convenience of county residents on land owned or leased by the county. Solid wastes may be deposited in the solid waste convenience centers only in accordance with this chapter. All solid waste shall be deposited inside the solid waste convenience centers. No solid waste may be left at the solid waste disposal site outside the convenience center. Commercial, industrial, and institutional solid wastes may not be deposited in the county-owned solid waste convenience centers.

It shall be unlawful for any person, firm, or corporation to deposit in a county convenience center any of the following articles:

- (1) Bulky Waste
- (2) Land clearing debris including stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material
- (3) Scrap building materials from construction, reconstruction, remodeling, or repair of a building, walkway, driveway, sign, and/or other structure, including, but not limited to, excavated earth, rocks, gravel, brick, plastic, concrete, lumber, or any other similar building materials used in construction.
- (4) Large manmade articles such as car parts, metal, home appliances and furnishings, business or farm machinery or equipment.
- (5) All putrescible wastes not placed in a plastic bag or some other suitable enclosed disposal container, including animal and vegetable matter, animal offal and carcasses, and recognizable industrial by-products
- (6) All sewage and human waste.
- (7) Radioactive, Hazardous, or Regulated Medical Waste
- (8) White goods.
- (9) Tires.

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(10) Friable asbestos

(11) Electronics (including old computers, monitors, printers and keyboards, VCRs and DVD players, small peripherals (such as cameras, PDAs and other devices that can be plugged into a computer), phone equipment, video/audio equipment, network equipment and test equipment.

(B) The Material Recovery Facility (MRF)/Transfer Station of the county may be used for the disposal of solid wastes by any person who is a resident of the county, or authorized by the Board during regular hours of operation. Solid wastes shall be disposed of at the MRF in the manner and according to the procedures authorized by the Solid Waste Administrator and/or contractor. It shall be unlawful for any person, firm, or corporation to deposit in the Material Recovery Facility/Transfer Station the following articles:

(1) All sewage and human waste.

(2) Radioactive, Hazardous, or Regulated Medical Waste

(3) Friable Asbestos

(4) Land clearing debris including stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material

(C) The sanitary landfill of the county may be used for the disposal of solid wastes by any person who is a resident of the county, or authorized by the Board, during regular hours of operation of the landfill. Solid wastes shall be disposed of at the landfill in the manner and according to the procedures authorized by the Solid Waste Administrator and/or contractor.

It shall be unlawful for any person, firm, or corporation to deposit in the County permitted landfill the following articles:

(1) Large manmade articles such as car parts, metal, home appliances and furnishings or other business or farm machinery or equipment

(2) All sewage and human waste.

(3) Radioactive, Hazardous, Medical or Infectious Waste

(4) Recyclable materials including but not limited to cardboard, aluminum, white goods, and designated plastics

(5) Tires

(6) Motor oil, antifreeze, gasoline and oil filters

(7) Electronics (including old computers, monitors, printers and keyboards, VCRs and DVD players, small peripherals (such as cameras, PDAs and other devices that can be plugged into a computer), phone equipment, video/audio equipment, network equipment and test equipment.

(8) Friable Asbestos

(Ord. passed 6-6-77; Am. Ord. passed 10-20-80; Am. Ord. passed 6-5-06; Am. Ord. passed 08-02-10; Am. Ord. passed 09-05-23) Penalty, see § 50.99

§ 50.06 CONTAINERS AND GROUNDS.

- (A) Pursuant to G.S. § 153A-132.1, no garbage, refuse, solid waste, or any other permissible or non-permissible matter shall be placed outside the authorized county garbage and refuse collection containers.
- (B) It is unlawful for any person or persons to search through or remove trash from county trash containers or dumpsters, excepting law enforcement officials and other persons authorized by the County.

(Ord. passed 6-6-77; Am. Ord. passed 10-20-80; Am. Ord passed 6-5-06; Am. Ord. passed 09-05-23) Penalty, see § 50.99

§ 50.07 USE OF CONVENIENCE CENTERS.

The use of solid waste disposal facilities located in convenience centers operated by the county and/or contractor for the county are for the sole and exclusive use of residents and property owners of the county, and their guests who may be temporary residents. It shall be unlawful for any person or persons to use the convenience center solid waste disposal facilities who are not residents, property owners or guests of property owners. (Am. Ord. passed 06-04-12)

§ 50.08 LITTER MANAGEMENT.

Pursuant to G.S. § 14-399, No person, including any firm, organization, private corporation, or governing body, agents or employees of any municipal corporation shall intentionally or recklessly throw, scatter, spill or place or intentionally or recklessly cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon any public property or private property not owned by the person within this State or in the waters of this State including any public highway, public park, lake, river, ocean, beach, campground, forestland, recreational area, trailer park, highway, road, street or alley except:

- (1) When the property is designated by the State or political subdivision thereof for the disposal of garbage and refuse, and the person is authorized to use the property for this purpose; or
- (2) Into a litter receptacle in a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of the private or public property or waters.

(Ord. Passed 6-6-77; Am. Ord. passed 6-5-06; A., Ord. passed 06-04-12; Am. Ord. passed 09-05-23)

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§ 50.09 STORAGE, ACCUMULATION, AND DISPOSAL OF SOLID WASTE

- (1) Solid waste or garbage shall not be deposited, stored, or accumulated on any property in such a manner that it will provide food or harborage for rodents and vermin or will create a fire or safety hazard.
- (2) No person shall throw, dump, deposit or cause to be thrown, dumped, or deposited solid waste on property owned by the person, another person, or on any public highway, street or road; upon public parks or recreation areas; or upon any other public property except property specifically designated for that use.
- (3) The owner, occupant, tenant, lessee, or person in charge of any premise shall be responsible for unsanitary accumulation of all solid waste at that premise.

(A) When an unsanitary accumulation is discovered, or complaint received by the County, the appropriate staff will determine the ownership of the property containing the dump and investigate the alleged unsanitary accumulation. After investigation, staff will notify and forward all documentation to the Asheville office of the N.C. Solid Waste Section and other agencies as deemed appropriate.

(Ord. passed 6-6-77; Am. Ord. passed 09-05-23)

§ 50.10 LANDFILL MANAGEMENT.

Any landfill located in the county shall be operated according to rules and regulations providing standards for solid waste disposal adopted by the State, North Carolina Administrative Code (NCAC), Title 15A, Chapter 13, Solid Waste Management. The operational requirements for a sanitary landfill as outlined in the NCAC Title 15A, Chapter 13, Solid Waste Management, or as amended, are made a part of this chapter by reference.

- (A) Conformity with landfill procedures required. Waste shall be disposed of at the county landfills in the manner and according to procedures established by the Solid Waste Administrator.
- (B) Solid waste subject to inspection. Solid waste may be observed and inspected for prohibited materials. Persons disposing of unacceptable material may be required to remove such materials at the direction of the Solid Waste Administrator or contractor.
- (C) Disposal of incinerator ash. Ash from a commercial solid waste incinerator or a hazardous waste incinerator shall not be disposed of at the county landfill unless each load is accompanied by a chemical analysis certifying that it contains no hazardous or potentially hazardous contaminants. The analysis shall be performed by a firm acceptable to the Board.

(Am. Ord. passed 6-5-06; Am. Ord. passed 06-04-12; Am. Ord. passed 09-05-23)

§ 50.11 SOURCE SEPARATION AND RECYCLING.

- (A) Disposal of waste tires. The uncontrolled storage and/or disposal of waste tires presents a health and safety hazard. Tires are not suitable for burial in a sanitary landfill nor for burning in a municipal solid waste incinerator. All waste tires in the county must be delivered to the Material Recovery Facility or other collection point designated by the Solid Waste Administrator and deposited there to be transported to a tire disposal facility where they can be disposed of in an environmentally acceptable way.
- (1) Automobile and truck tires will be accepted at the Materials Recovery Facility. Tires must be removed from their rims and free of mud, dirt and water. Persons bringing loads of tires will be required to stack them into tractor trailers. Fees, if applicable, will be based on the fee schedule as approved by the Haywood County Board of County Commissioners.
- (B) Disposal of white goods. White goods may be deposited free of charge at the designated area of the Materials Recovery Facility. White goods may not be deposited at the convenience centers.
- (C) Disposal of used motor oil. Used motor oil must be deposited in the tank provided at the convenience center sites.
- (D) Disposal of used anti-freeze. Used anti-freeze shall be deposited in the tank provide at the Materials Recovery Facility. This tank is for residential users only. Used anti-freeze will not be accepted from commercial and industrial users.

(Ord. Passed 6-6-77; Am. Ord. passed 6-5-06; Am. Ord. passed 06-04-12; Am. Ord. passed 09-05-23)

§ 50.12 RECYCLABLE MATERIALS.

Haywood County encourages all residents and visitors to recycle any and all appropriate materials. Removal of recyclable materials from county facility is prohibited. No person, other than a county employee or the county's authorized agent, may remove recyclable materials from a county facility. Recyclable material shall consist of the following items and shall be prepared for recycling at the county convenience centers and Material Recovery Facility as directed:

- (1) Aluminum, tin or steel cans. Labels do not have to be removed.
- (2) Plastics including but not limited to bottles and containers.
- (3) Corrugated containers (cardboard).
- (4) Mixed paper (see definition).

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(5) Metals

(6) Other materials as they are added to the recycling program by the Solid Waste Administrator.

(Ord. Passed 6-6-77; Am. Ord. passed 6-5-06; Am. Ord. passed 09-05-23)

RATES AND CHARGES

§ 50.20 PURPOSE.

In the public interest and for the promotion of the public health, safety, welfare, and convenience of its citizens and pursuant to statutory authority contained in G.S. §§ 153A-277, 153A-292, 153A-293, and other applicable laws, the following rules are adopted, which rules set forth the amounts of solid waste fees, the manner of assessment thereof, and the manner of collection thereof, within the county, the fees to be assessed and utilized for the purpose of recovering the cost of disposal of solid wastes in the county, and such other purposes and uses as shall be allowed by law in the county. All of such fees as authorized by this subchapter and the aforesaid statutes, shall be collectively referred to herein as the ***SOLID WASTE FEES***.

(Ord. passed -6-6-77; Am. Ord. passed 11-5-92)

§ 50.21 ESTABLISHMENT OF FEES.

There is imposed a fee for the availability and use of solid waste disposal facilities provided by the county, in an amount sufficient to recover the cost of providing, operating, and maintaining sufficient facilities to provide for the handling and disposal of solid waste at its disposal facility, including the costs of the methods of solid waste management specified in G.S. § 130A-309.04(a) for the purposes of solid waste sorting, reducing, composting, recycling, baling, and disposal in the county. This fee shall be imposed county-wide, upon all properties which produce solid waste, whether inside or outside incorporated areas within the county.

(Ord. passed 6-6-77; Am. Ord. passed 11-5-92)

§ 50.22 USE OF FEES.

The revenue derived from the solid waste fees herein authorized shall be utilized, together with such other funds as shall be provided therefor, to recover the cost of the use and availability of solid waste disposal facilities in the county, the siting and opening of new solid waste disposal sites; the purchase of lands for solid waste disposal sites; the maintenance and operation of all solid waste disposal sites and facilities; recycling, sorting, reducing, baling, composting, and disposing of solid wastes; and all other uses permitted under the Solid Waste and Disposal Act being G.S. §§ 153A-291 et seq.). A separate budget category shall be established to reflect the assessments, collections, and disbursements of solid waste fees.

(Ord. passed 6-6-77; Am. Ord. passed 11-5-92)

§ 50.23 PROPERTIES UPON WHICH FEES SHALL BE ASSESSED.

The solid waste fees hereinabove imposed shall be assessed, in the amounts set forth in § 50.27, upon the following improved property:

- (A) All residential dwelling units, including houses, apartments units, and manufactured homes and permanent campers within the county.
- (B) All businesses or commercial enterprises within the county.
- (C) All hotels, motels, inns and any business engaged as a Bed and Breakfast. This includes all hotels, motels, and inns owned and operated as a retreat center.
- (D) All campgrounds that have vacant hook-ups for rent or lease that do not have a camper permanently located in the campground.
- (E) All hospitals, nursing homes and rehabilitation centers and any business engaged as a similar business including all not for profits or non-profit health providers.
- (F) All businesses engaged and available as a self storage unit or any storage unit.
- (G) The owners of all other improved properties within the county which produce solid waste for disposal.

(Ord. passed 6-6-77; Am. Ord. passed 11-5-92; Am. Ord. passed 6-5-06; Am. Ord. passed 8-4-08)

§ 50.24 SUPPLEMENTAL ASSESSMENTS AND EXEMPTIONS.

(A) The County Board of Commissioners may from time to time establish supplemental solid waste tipping fees on selected large industrial waste producers and on commercial waste haulers and on any other properties the use of which produces substantial amounts of solid waste. Supplemental solid waste tipping fees, when established, shall constitute amendments to this subchapter.

(B) The County Board of Commissioners may from time to time establish categories of exemptions from the solid waste fees imposed by this subchapter. The exemptions so established may be amended from time to time by action of the County Board of Commissioners, which changes shall be amendments to this subchapter.

(Ord. passed 6-6-77; Am. Ord. passed 11-5-92; Am. Ord. passed 6-5-06; Am. Ord. passed 09-05-23)

§ 50.25 METHOD OF BILLING AND COLLECTION OF SOLID WASTE FEES.

- (A) The solid waste fees assessed pursuant to this subchapter shall be added, as a separate identified charge, to the property tax statements sent to those county taxpayers who are owners of property described in Section § 50.23. The County Tax Collector shall collect, and is charged with the duty of collecting, the solid waste fees which are added to the property tax statements as authorized by G.S. §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 G.S. § 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 described on the bill that includes the fee, effective on January 1 of each year, beginning January 1, 1992.

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- (B) The amount of the solid waste tipping fees shall be determined at the solid waste collection or disposal site, through a measurement system using either weight or volume, depending on the type of solid waste being disposed of.

(Ord. passed -6-6-77; Am. Ord. passed 11-5-92; Am. Ord. passed 6-5-06; Am. Ord. passed 09-05-23)

§ 50.26 EXCLUSION AND APPEALS.

Exclusions

- (A) The fees imposed by this subchapter shall not be collected from those property owners excluded under the provisions of G.S. § 105-277.1 as elderly applicants and disabled applicants where the owner is either 65 years of age or older or is totally and permanently disabled; and where the owner has made the required application and has been approved for exclusion by the office of the Tax Assessor of the county.
- (B) The availability fee can be waived if a resident of Haywood County owns property in addition to a residence in which he/she resides, and that property is used solely for personal recreation use.
- (C) Any business whose principal place of business is their home are excluded.
- (D) Any business engaged in farming, including dairy farms is excluded from business-based fees
- (E) The availability fee will be waived on any residence where the power has been disconnected for a period of eight months of the calendar year or if the residence is found to be unsound or condemned.

Appeals

Property owners can appeal the availability fee in writing to the Haywood County Tax Assessor's Office by January 5th of the following year for which the bill became due.

A committee consisting of Tax Collector and/or his designee, Solid Waste Administrator and the County Manager (or designee), using the procedures of N.C. Gen. Stat. Section 160D-405 *et seq.*

(Ord. passed 6-6-7; Am. Ord. passed 11-5-92; Am. Ord. passed 6-5-06; Am. Ord. passed 8-4-08; Am. Ord. passed 09-05-23)

§ 50.27 AMOUNT OF FEES.

(A) The amount of the solid waste fees to be charged from time to time shall be established by the County Board of Commissioners in its annual budget ordinance. The amounts of availability fees shall be as follows:

<i>User Category</i>	<i>Fee</i>
All dwelling units, including houses, apartment units, storage units, tiny homes, basement apartments, garages with living quarters, and manufactured homes within the County	reference Solid Waste Fee Schedule
Hotels, Motels,, Inns, Bed & Breakfast, Retreat Centers	reference Solid Waste Fee Schedule
Campgrounds Campers – Long-Term Campers - Temporary	75% of the Household Fee reference Solid Waste Fee Schedule
Storage Units	One (1) times the Household Fee
The owners of all other improved properties within the County which produce solid waste for disposal	reference Solid Waste Fee Schedule
Apparel	Five (5) times the Household Fee
Convenience Stores	Five (5) times the Household Fee
Department Stores	Eleven (11) times the Household Fee
Grocery Stores Small Large	Five (5) times the Household Fee Eleven (11) times the Household Fee
Manufacturing	Eleven (11) times the Household Fee
Restaurants Seating Capacity of 51 and above Seating Capacity of 26 to 50 Seating Capacity of 1 to 25	Eleven (11) times the Household Fee Five (5) times the Household Fee Two (2) times the Household Fee
Hospitals, Nursing Homes & Rehabilitation Centers	reference Solid Waste Fee Schedule
Businesses, Based on Number of Employees 5 or less employees 6 to 15 employees 16 or more employees	The Household Fee Three (3) times the Household Fee Five (5) times the Household Fee

(B) The fees as so established may be amended from time to time by action of the County Board of Commissioners, so as to recover the costs incurred in the solid waste disposal program, which changes shall be incorporated automatically as amendments to this subchapter.

Solid Waste

(Ord. passed ;- -Am. Ord. passed 11-5-92; Am. Ord. passed 6-5-06; Am. Ord. passed 8-4-08; Am. Ord. passed 12-15-08); Am Ord. passed 08-02-10; Am. Ord. 06-04-12; Am. Ord. passed 09-05-23)

§ 50.99 PENALTY AND ENFORCEMENT.

(A) Any violation of any provision of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor punishable by a fine of up to \$50 or a maximum 30-day imprisonment as provided in G.S. §14-4. Each day that a violation continues shall constitute a separate offense.

(B) Any act constituting a violation of the provisions of this chapter or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$50 per violation as assessed by the Solid Waste Administrator or an official of the Health Department. Each day that a violation continues shall constitute a separate offense. If the offender fails to pay this penalty within 10 days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of a debt. Alternatively, following notice of not less than 10 days to the last known address of the alleged violator, the failure to pay the civil penalty shall be considered a violation of this chapter as set forth in (A) above. An appeal of the civil penalty assessment shall be made to the County Manager (or his designee) as an appeal of an administrative decision pursuant to the provisions of N.C. Gen. Stat. Section 160D-405 *et seq.*

(C) This chapter may also be enforced by an appropriate equitable action. Such remedy may include court order of abatement as part of a judgment in the cause. The abatement order may include removal of garbage or refuse and other actions required to bring the violator in compliance with this chapter. Each day that any violation continues may be considered a separate offense for purposes of the penalties and remedies specified in this section.

(Ord. passed 6-6-77; Am. Ord. passed 10-22-79; Am. Ord. passed 6-5-06; Am. Ord. passed 09-05-23)

50.100 EFFECTIVE DATE AND REVISION OF ORIGINAL ORDINANCE

This revised ordinance revises and supplants the ordinance in Chapter 50 originally adopted June 6, 1977, and all subsequent amendments, and shall be effective on and after September 5, 2023.