

FINAL

**MECKLENBURG COUNTY  
SOLID WASTE FEE ORDINANCE**

WHEREAS, the Board of Commissioners of Mecklenburg County adopted an ordinance entitled "Mecklenburg County Solid Waste Fee Ordinance" effective July 1, 1989; and

WHEREAS, the Board of Commissioners of Mecklenburg County now desires to amend and restate said Ordinance; now, therefore,

BE IT ORDAINED by the Board of Commissioners of Mecklenburg County, North Carolina, that:

1. The "Mecklenburg County Solid Waste Fee Ordinance" is hereby amended and restated to read as follows:

**Section 1. Definitions**

**“Approved Yard Waste Product Hauling Partners”**: Shall mean haulers approved by Mecklenburg County Solid Waste to haul yard waste products.

**“Bulky Waste”**: non-putrescible municipal solid waste too large to be accepted by the regular waste collection. Bulky waste items may include discarded furniture (couches, recliners, tables), and plumbing fixtures (bathtubs, toilets, sinks) and other similar items delivered to Mecklenburg County Facilities.

**“Business Recycling Partners”**: Shall mean those businesses located in Mecklenburg County who host recycling dumpsters and receive collection of Recyclable Material in partnership with the County. Eligibility qualifications shall include that these businesses have successfully demonstrated to the County that they are exempt from the Mecklenburg County Ordinance to Require the Source Separation of Designated Materials from the Municipal Solid Waste Stream for the Purpose of Participation in a Recycling Program established by the County.

**“Construction and Demolition Waste” (C&D)**: shall mean Solid Waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures; inert debris.

**“Convenience Center”**: Shall mean any County Facility designated by the Director that is open to the public where Yard Waste, Solid Waste and Recyclable Materials are collected either at no charge or for fees posted herein.

**“County”**: Mecklenburg County, North Carolina, a political subdivision of the State of North Carolina.

**“County Facility”**, **“Mecklenburg County Facility”**: Any Solid Waste disposal facility owned, operated, licensed by or under contractual agreements with the County, including, but not limited to the Speedway Landfill.

**“Director”**: The Director of the Mecklenburg County Solid Waste Division of LUESA, or designee. In Sections herein that require specific approval, such requests shall be made in writing to the Director.

**“Hazardous Waste”**: shall mean (a) waste which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate State agency by or pursuant to federal or State law, (b) waste which is regulated as hazardous waste under federal or State law, or (c) waste which any County Facility, in its reasonable discretion, determines has the potential for causing safety, health or environmental damage, including but not limited to infectious waste.

**“Household Hazardous Waste”**: Waste generated by individuals on the premise of a temporary of a permanent residence and composed primarily of materials found in waste generated by residents in their homes that may be considered as hazardous if placed into a landfill or otherwise co-mingled with other Waste. Items such as fertilizer, weed killers, fluorescent light bulbs, acids, and other similar products shall fall into this category of products.

**“Household Waste”**: Residential Solid Waste generated from non-commercial residential activities excludes any and all hazardous waste materials

**“Household Waste Convenience Centers”**: See “Convenience Center” above.

**“Municipal Partners”**: Shall mean Mecklenburg County municipalities having Interlocal Agreements with Mecklenburg County for Solid Waste Management.

**“Municipal Solid Waste”**: means any solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Municipal solid waste does not include hazardous waste, sludge, industrial waste managed in a solid waste management facility owned and operated by the generator of the industrial waste for management of that waste, or solid waste from mining or agricultural operations.

**“Non-County Residents”**: Persons who reside outside of Mecklenburg County.

**“Non-County Resident Availability Fee”**: An annual fee of \$50.00 per residence for residences located outside of Mecklenburg County, payable on a July 1-June 30<sup>th</sup> basis, that will enable the Non-County Resident that owns the residence to dispose of Solid Waste at a County Facility for a discounted rate as set forth in this Ordinance at County Household Waste Convenience Centers. Payment of this fee shall remain valid for one Fiscal Year Period, and shall not be pro-rated. It may not be transferred, and it shall not entitle the owner to any other privileges other

than those provided in this Fee Ordinance.

**“Non-Household Waste”**: Waste other than household waste, acceptable under the provisions of the North Carolina Solid Waste Management Rules, 10 NCAC 10G. Non-Household Wastes include such wastes as demolition or construction material, shingles, pallets, commercial and industrial wastes, split tires, rubble, and special handling wastes.

**“Recyclable Material”**: shall mean those materials, which are actually separated or removed from Solid Waste for purposes of use or reuse which are accepted at Convenience Centers.

**“Residential Discount”**: A reduction in fee for disposal of Solid Waste in specified categories for those persons using a County Facility that are owners of a residence located in Mecklenburg County (and therefore have been charged the County’s Residential Solid Waste Fee), and those Non-County Residents who have paid the annual Non-County Resident Availability Fee.

**“Residential Solid Waste Fee”**: The availability fee created by the County’s Residential Solid Waste Fee Ordinance, the amount of which is set in the County’s annual Budget Ordinance, which fee is levied annually on residences located in the County.

**“Residential Solid Waste”**: shall mean Solid Waste generated at dwelling units (including single family structures, multi-family structures, mobile homes, and all other structures used as residential dwellings). Solid Waste from hotels, motels, inns, tourist camps and all other places that are required to collect a room occupancy tax under the Mecklenburg County Ordinance imposing a room occupancy tax is not Residential Waste.

**“Special Waste”**: shall mean any Solid Waste, or product generated at County Facilities, that requires special or exceptional handling from an operational or equipment standpoint and includes all Solid Waste the disposal of which is defined as special waste by the State of North Carolina Department of Environmental Quality., Division of Solid Waste

**“Solid Waste”** or **“Waste”**: Waste that is defined, either by Regulation or Statute, by the State of North Carolina as Solid Waste.

**“White Goods”**: Discarded appliances, which include but are not limited to inoperative and discarded refrigerators, ranges, water heaters, freezers and other similar domestic and commercial large appliances.

**“Yard Waste”**: Materials such as brush, grass clippings, limbs less than 5 feet long, leaves, and untreated and unpainted wooden pallets, which are defined as Yard Waste by the State of North Carolina.

## **Section 2. Requirement to Pay Fees**

Except as otherwise provided herein, it shall be unlawful for any vehicle carrying

Municipal Solid Waste generated within the designated geographic area covered by the Mecklenburg County Solid Waste Management Plan to enter and to use any County Facility except upon the payment of the fees as set forth in this Ordinance.

**Section 3.     Speedway Landfill Fee Schedule**

Solid Waste that is (i) controlled by contract by Mecklenburg County through interlocal agreements, waste collection agreements, or is Residential Waste generated in the Mecklenburg County Designated Geographic Area, (ii) of a nature that can readily be handled at the Speedway Landfill in accordance with standard operating procedures and practices, and (iii) does not include: (a) Hazardous Waste, (b) Construction and Demolition Waste, (c) Special Waste, (d) Yard Waste, (e) Recyclable Material actually removed from the waste stream, or (f) Household Hazardous Waste collected through household hazardous waste programs, will be accepted at the Speedway Landfill upon payment of the following fees:

- (a) When the scales/weighing systems are in operation, fees shall be computed as follows:

<u>Vehicle Type</u>	<u>Charge</u>
All permitted vehicles	\$30.50 per ton

- (b) When the scales/weighing systems are NOT in operation, fees shall be computed on a cubic yard basis determined by the average density of the materials. 1,000 pounds per cubic yard shall be used for Municipal Solid Waste, unless otherwise demonstrated in writing to the Director.

**Section 4.     Tire Fee Schedule**

- (a) Tires – Tires shall be accepted and charged on the following basis:

<u>Description</u>	<u>Requirements</u>	<u>Fee</u>
Automotive and Light Truck Tires NOT on rims at Full-Service Acceptance Locations	Tires must be from Mecklenburg County. Tires must be smaller than 20” bead diameter. Max 15 tires unless prior approval granted.	Up to 5 tires accepted at no charge. Each tire over 5; \$1 per tire.
Automotive and Light Truck Tires ON Rims at Full-Service Acceptance Locations	Tires must be from Mecklenburg County. Tires must be smaller than 20” bead diameter. Max 15 tires unless prior approval granted.	\$2 each
Automotive and Light Truck Tires NOT on rims at	Tires from outside of Mecklenburg County.	\$2.50 each

Full-Service Acceptance Locations	Tires must be smaller than 20" bead diameter. Max 15 tires unless prior approval granted.	
Tractor Tires and other off road tires delivered to Full-Service Locations NOT on rims.	20" to 26" bead diameter. Larger tires may not be accepted unless prior approval is given and customer pays the full price of such disposal as established by the County's Tire Processing Company. Max 15 tires unless prior approval granted.	\$3.50 each
Automotive and Truck Tires NOT on Rims. Accepted only at the Metal and Tire Facility.	Delivered under the NC State Tire Program and have accompanying Certificate Required by the State, and meet eligibility requirements. Tires must be from Mecklenburg County.	No Charge
Solid Tires from construction/commercial or agricultural machinery or other sources.	Not Accepted	Not Accepted
Dirty Tire Fee	Tires that are coated in mud/dirt or other contaminants may be assessed a separate fee	\$10/ton

- (b) There will be a \$ 4.00 per tire charge for tires commingled in Solid Waste delivered to the 521 Landfill. Loads of five (5) or fewer tires which conform to the above sizes, shall be exempt from charges provided a person or carrier brings no more than one exempt load per day, and they are from Mecklenburg County.
- (c) Scrap tires will be accepted only at scrap tire collection areas as designated by the Director.

**Section 5. Yard Waste Fee Schedule**

Yard Waste will be accepted at the County's yard waste management facilities upon payment of a fee. The following fees shall be charged depending upon the origin of the material and the amount of material delivered:

- (a.) In some material categories, there may be limits on the quantity or types of materials eligible for the Residential Discount. The Residential Discount shall not apply to any

contractors or commercial entities that use any County Facility, nor any material delivered in a commercial vehicle, or vehicle providing services for hire.

<u>Vehicle Type</u>	<u>Charge</u>	<u>Charge with Residential Discount Applied</u>
(1) Automobiles (sedans and station wagons) No trailers.	No Charge	No Charge
(2) <ul style="list-style-type: none"> <li>• Vans</li> <li>• Pickup Trucks (without built-up sides) &amp; loads less than 2' high,</li> <li>• Minivans &amp; SUVs,</li> <li>• Trailers equal to or less than 10' in length with a load less than 2' high.</li> <li>• No logs over 8" in diameter.</li> </ul> <p>Loaded Pickup with Loaded Trailer Equals 2 units</p>	\$12.50/per unit	\$8.50/per unit
(3) <ul style="list-style-type: none"> <li>• Pickup Trucks (with built-up sides) and load greater than 2' high</li> <li>• Trailers greater than 10' in length or with a load greater than 2' high.</li> <li>• Logs over 8" in diameter and no greater than 24" in diameter at Convenience Centers. Max limit 48" at 521 Landfill and Compost Central.</li> </ul>	\$4.70 per cubic yard measured  See Appendix A for typical vehicle sizes and resulting fees.	\$4.00 per cubic yard measured  See Appendix A for typical vehicle sizes and resulting fees.
(4) All vehicle types weighed	\$21.00/ton or \$12.50 load minimum	N/A
(5) Vehicles hauling ONLY pre-chipped wood materials	\$14.00/ton or \$3.00 per cubic yard	N/A
(6) Vehicles with less than two 32 Gallon Bags	\$8.50	No Charge

(7) Vehicles using the scales to determine a weight and then not using the facility for disposal shall pay a \$10 charge.	////////////////////////////////////
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**Section 6. White Goods Fee Schedule**

White Goods generated within Mecklenburg County will be accepted for processing, recycling and disposal at designated County Facilities at no charge.

**Section 7. Special Household Waste Provision**

Household Waste from residences located outside of Mecklenburg County will be accepted at Mecklenburg County Household Waste Convenience Centers upon payment of the Non-County Resident Availability Fee provided that the disposal of such Waste in County Facilities is not inconsistent with provisions contained in any solid waste management plan adopted by the local government within whose jurisdiction the Household Waste was generated.

After receipt of a Non-County Resident Availability Fee, the County shall issue the Non-County Resident one (1) pass or sticker to be affixed to a single vehicle, registered to the Non-County Resident, which must be displayed upon entry to any Mecklenburg County Household Waste Convenience Center to be eligible for a Residential Discount. After Non-County Residents have paid the annual fee, they shall be eligible for other discounted fees provided for herein, and County Facility availability equal to Mecklenburg County residents.

In lieu of paying the annual Non-County Resident Availability Fee, a single use payment of \$8.50 may be levied upon any Non-County Resident delivering fewer than five (5), 32-gallon size, or smaller, trash bags of Household Waste. Such payment would be applicable for each separate load of Household Waste. No business wastes will be accepted under these programs for Household Waste.

Non-County Residents using Mecklenburg County Household Waste Convenience Centers shall pay all other fees described herein.

Delivery of materials considered as Recycling Materials may be exempt from charge as designated by the Director.

**Section 8. Convenience Center Bulky Waste & Construction and Demolition Waste Fee Schedule**

Bulky Waste & Construction and Demolition Waste will be accepted at the County's Household Waste Convenience Centers upon payment of the following fees:

<u>Vehicle Type</u>	<u>Charge</u>	<u>Mecklenburg County Residential Discount Charge</u>
(1) a.) Automobiles	\$8.50	No Charge

<p>(sedans and station wagons)</p> <p>b) Vehicles with the following: 1 couch, or sofa, or Lay-Z Boy type chair, or mattress/box springs combo, or equivalent sized materials, (except where other prices are noted herein).</p>		<p>Only Applicable to Mecklenburg County residents or patrons who have paid the Annual Fiscal Payment</p>
<p>(2)</p> <ul style="list-style-type: none"> <li>• Vans</li> <li>• Pickup Trucks (without built-up sides) &amp; loads less than 2' high,</li> <li>• Minivans &amp; SUVs,</li> <li>• Single Axle Trailers 10' or less in length with a load equal to or less than 2' high.</li> <li>• All units this category less than 3 yd<sup>3</sup> each.</li> </ul> <p>Loaded Pickup or Vehicle with a Loaded Trailer Equals 2 units</p>	<p>Bulky Waste: \$25.00/per unit</p> <p>Construction Demolition Debris: \$35.00/per unit</p>	<p>Bulky Waste: \$15.00/per unit</p> <p>Construction Demolition Debris: \$25.00/per unit</p>
<p>(3)</p> <ul style="list-style-type: none"> <li>• Pickup Trucks (with built-up sides) and load greater than 2' high or more</li> <li>• Trailers greater than 10' in length, and any trailer with more than one axle, and/or with a load greater than 2' high</li> <li>• No triple-axle trailers.</li> </ul>	<p>\$13.00 per cubic yard measured for loads greater than 3 yd<sup>3</sup></p> <p>See Appendix A for typical vehicle sizes and resulting fees.</p>	<p>\$9.40 per cubic yard measured</p> <p>Maximum delivery this category is 10 yd<sup>3</sup> overage shall be at \$13.00 yd<sup>3</sup></p> <p>See Appendix A for typical vehicle sizes and resulting fees.</p>
<p>(4) All vehicle types weighed</p>	<p>\$44.00/ton or \$25.00 load minimum</p>	<p>N/A</p>
<p>(5) Not Used</p>		
<p>(5) Vehicles with less than</p>	<p>\$8.50/vehicle</p>	<p>No Charge</p>



two 32 Gallon Bags		
(6) Vehicles using the scales to determine a weight and then not using the facility for disposal shall pay a \$10 charge.		////////////////////////////////////

No vehicle longer than a standard size pickup truck or vehicle/trailer combination with a payload quantity of greater than 10 cubic yards will be accepted at the Convenience Centers. Vehicles loaded with loads greater than these capacity limitations shall either utilize the 521 Landfill and be weighed, or be pre-approved to use the Convenience Center by the Director and charged the posted cubic yard rate at the Convenience Center. Pre-approval shall be in the form of a written request to the Director, and the vehicle must display an Entry Decal, as described in Section 16 herein.

**Section 9. 521 Landfill Construction and Demolition Waste Fee Schedule**

Construction and Demolition Waste (C&D) and other permitted Solid Waste will be accepted at the County’s landfill on US 521 upon payment of the following fees:

- (a) When the scales/weighing systems are in operation, fees for Construction and Demolition Waste shall be computed as follows:

	<u>Vehicle Type</u>	<u>Charge</u>
(1)	All permitted vehicles	\$44.00 per ton/or \$25.00 per load minimum
(2)	All other vehicle types	Shall use the schedule established in Section 9 above
(3)	Vehicles using the scales to determine a weight and then not using the facility for disposal shall pay a \$10 charge.	

- (b) When the scales/weighing systems are NOT in operation, fees shall be computed on a cubic yard basis determined by the average density of the materials. 845 pounds per cubic yard shall be used for Construction and Demolition Waste, unless otherwise demonstrated in writing to the Director.

“Clean Concrete” will be accepted at the County’s landfill on US 521 upon payment of the following fees:

	<u>Vehicle Type</u>	<u>Charge</u>
(1)	All permitted vehicles	\$7.00 per ton
(2)	All other vehicle types	\$7.00 per ton

“Clean loads of Shingles” will be accepted at the County’s landfill on US 521 upon payment of the following fees:

(a) When the scales/weighing systems are in operation, fees shall be computed as follows:

	<u>Vehicle Type</u>	<u>Charge</u>
(1)	All permitted vehicles	\$31.00 per ton
(2)	All other vehicle types	\$31.00 per ton

“Clean loads of Drywall” will be accepted at the County’s landfill on US 521 upon payment of the following fees:

(a) When the scales/weighing systems are in operation, fees shall be computed as follows:

	<u>Vehicle Type</u>	<u>Charge</u>
(1)	All permitted vehicles	\$31.00 per ton
(2)	All other vehicle types	\$31.00 per ton

**Section 10. Fees for Sale of Yard Waste Products**

Yard Waste products may be purchased at the County's Yard Waste management facilities upon payment of the following fees, when the following types of products are available:

<u>Product</u>	<u>Charge</u>
• Yard Waste Mulch (1-2 cubic yards)	\$9.34/yd <sup>3</sup>
• Yard Waste Mulch (3-29 cubic yards)	\$10.00/yd <sup>3</sup>
• Yard Waste Mulch (30-99 cubic yards)	\$8.00/yd <sup>3</sup>
• Yard Waste Mulch (100+ cubic yards)	\$6.00/yd <sup>3</sup>
• Fill Dirt (1-29 cubic yards)	\$10.00/yd <sup>3</sup>
• Fill Dirt (30-99 cubic yards)	\$8.00/yd <sup>3</sup>
• Fill Dirt (100+ cubic yards)	\$6.00/yd <sup>3</sup>
• Nugget Waste Mulch	\$9.34/yd <sup>3</sup>
• Pallet Mulch (1-29 cubic yards)	\$10.00/yd <sup>3</sup>
• Pallet Mulch (30-99 cubic yards)	\$8.00/yd <sup>3</sup>
• Pallet Mulch (100+ cubic yards)	\$6.00/yd <sup>3</sup>
• Red Mulch (<95 cubic yards)	\$26.00/yd <sup>3</sup>
• Red Mulch (>95 cubic yards)	\$15.00/yd <sup>3</sup>
• Compost (1-2 cubic yards)	\$18.65/yd <sup>3</sup>
• Compost (3-29 cubic yards)	\$23.00/yd <sup>3</sup>
• Compost (30-99 cubic yards)	\$21.00/yd <sup>3</sup>
• Compost (100-499 cubic yards)	\$19.00/yd <sup>3</sup>
• Compost (500-1000 cubic yards)	\$13.00/yd <sup>3</sup>
• Compost (1001-2500 cubic yards)	\$12.00/yd <sup>3</sup>
• Compost (2501-4999 cubic yards)	\$11.00/yd <sup>3</sup>
• Compost (5000 and more) cubic yards)	\$10.00/yd <sup>3</sup>
• Unscreened Compost	\$13.50/yd <sup>3</sup>
• Top Soil	\$23.00/ yd <sup>3</sup>

- Dump truck Delivery Charge (within 25 miles) \$85.00/load
- Dump truck Delivery Charge (>25 miles < 40 miles) \$115.00/load
- Tractor Trailer Charge (within 25 miles) \$150.00/load
- Tractor Trailer Charge (>25 miles < 40 miles) \$280.00/load
- Tractor Trailer Delivery Charge (> 40 miles <120 miles) \$350.00/load
- Bag Compost (1.5 cu.ft.) \$4.00/bag
- Bag Landscape Mix (2 cu.ft.) \$5.50/bag
- Bag Potting Mix (32 qt.) \$5.00/bag
- Bag Potting Mix w/fertilizer (32 qt.) \$5.25/bag
- Bag Annual Perennial Mix (1 cu.ft.) \$3.75/bag
- Bag Perma Soil (32 qt.) \$5.50/bag
- Screened Drywall \$7.00/ton

(a) Municipal Partners of Mecklenburg County and Approved Yard Waste Product Hauling Partners shall be charged fees in the lowest price category for products offered for sale.

**Section 11. Televisions, Monitors and Electronic Waste**

- (a.) Televisions and Cathode Ray Tube (CRT) monitors shall be accepted from Mecklenburg County residents and Municipal Partner vehicles at Mecklenburg County Household Waste Convenience Centers at no charge, provided that, County residents shall be limited to no more than three (3) televisions or CRT monitors per visit per day.
- (b) Non-County Residents, and any persons engaged in commercial activity shall pay a \$25 fee for each television or CRT.

**Section 12. Special Handling**

- (a.) At County Facilities, the Director may increase or decrease the fees for Special Wastes, or Wastes that require special handling, including the products listed in Section 10 herein, based on operational conditions or any other conditions deemed appropriate in lieu of those set forth in this Ordinance as necessary to adequately compensate the County for such special handling, processing or removal.
- (b.) Business Recycling Partners participating in an approved program by the County shall pay an annual fee of \$285 per location to participate in such program. Program participation may be limited due to equipment availability.

**Section 13. Uncovered/Unsecured Loads**

All of the fees in this Ordinance shall be increased by 50% for any and all vehicles that enter County Facilities with an uncovered or unsecured load.

**Section 14. Failure to Weigh Out**

Any vehicle that fails to weigh out when required (vehicle tare weight) will have a charge ticket issued based upon 50% of the inbound weight (vehicle gross weight). The vehicle has until the Facility closing time on the date of entry to weigh out.

**Section 15. Credit Application**

The County Director of Finance, or designee, is authorized to accept, review, and approve applications for credit by users of County Facilities, and to provide for periodic billing to frequent users. This shall also include the authority to establish the time periods within which periodic billing must be paid and the authority to apply a 1-1/2% monthly penalty delinquency charge. Fees for use of the Speedway Landfill shall be billed and collected by the operator of that Landfill unless otherwise provided in the contract between the County and the operator of the Speedway Landfill.

**Section 16. Decals**

If an owner or agent of the owner seeks to have a vehicle use County Facilities, and does not intend to pay at the time of use, then the vehicle must have an annual or temporary decal issued by the Finance Department. A unique, pre-numbered decal will be the method by which the County recognizes customers to be billed for the use of a County owned or operated solid waste facility. The Director of Finance is authorized to charge a \$30.00 fee for each annual permit and decal for each vehicle and a \$5.00 weekly fee for temporary permits and decals. Temporary permits will be issued only as a temporary replacement for existing annual permits for the following reasons: 1) Current permitted vehicle is under repair and 2) Current permitted vehicle has been disposed of and has not been permanently replaced. The annual decal must be affixed to the driver's side of the vehicle. The temporary decal must be displayed by the driver to the Fee Collection staff at the solid waste facility.

- (a) Non-County Residents who pay a Non-Resident Availability Fee will be issued one entry tag to be used with one vehicle. Such entry tag shall be good for one Fiscal Year period, and shall not be pro-rated.
- (b) Mecklenburg County staff may issue other decals or stickers to readily identify vehicles or trailer sizes. These decals or stickers will be issued at no charge, but must be displayed on vehicles to use County Facilities after issuance.
- (c) Non-residential entities using County Facilities for waste disposal purposes must register with the Solid Waste Management Program prior to use, and may be issued tags, stickers, or decals that are unique to the equipment or vehicles that are being used to dispose of waste materials. After issuance, the decals, tags, or stickers shall be displayed on vehicles using County Facilities. No fee shall be charged for the decals, tags, or stickers.

**Section 17. Authority to Refuse Use of Mecklenburg County Solid Waste Disposal Facilities**

Mecklenburg County personnel, and their agents, shall have the authority to deny a vehicle carrying Municipal Solid Waste generated within the designated geographic area covered by the Mecklenburg County Solid Waste Management Plan the use of County Facilities in the following circumstances.

- (a) The vehicle does not have the decal identified in this Ordinance, and at the time of using a County Facility, the operator of the vehicle refuses to pay the fee required by the fee

schedule identified in this Ordinance; or

(b) Any person failing or refusing to pay the fees described herein for County Facilities within the times prescribed by the County's Director of Finance in the periodic billing may be denied further use of the Facilities for any purpose until such time as all outstanding charges are paid; or

(c) The Waste requires special handling and because of operational considerations the County Facility is unable to handle such Waste at the time the hauler presents it for disposal; or

(d) The load or any part of the load was generated outside the described geographic area covered by the County Facility's solid waste permit; or

(e) The Solid Waste is not acceptable under the provisions of any solid waste disposal regulations, not inconsistent herewith, adopted by the County Manager and Director; or

(f) The Waste is not acceptable to the owner and/or operator of a facility licensed by, or under contractual agreement with, Mecklenburg County.

(g) Any person who fails to follow the rules and regulations of the County Facility and/or causes a safety issue that endangers the well-being of employees or other customers.

#### **Section 18. Violation of Ordinance**

(a) It shall be unlawful for the operator of any vehicle to dispose of Waste in any County Facility covered by the provisions of this Ordinance which the County Facility is prohibited from accepting or disposing of by any applicable federal, State or local law, statute, regulation or ordinance.

(b) It shall be unlawful for the operator of any vehicle to dispose of Waste in any County Facility covered by the provisions of this Ordinance without paying the fee required by this Ordinance.

(c) It shall be unlawful for the operator of any vehicle to misrepresent the origin or place of collection of any Waste presented for disposal.

#### **Section 19. Enforcement**

1. In addition to the County's authority to deny any use of County Facility as provided for in Section 17 above, the County may, at its discretion, take any one or more of the following courses of action to remedy any violation of this Ordinance.

(a) Charge the violator criminally with violation of this Ordinance. Violation of the ordinance is a misdemeanor and the violator shall, upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.00), or shall be imprisoned for not more than thirty (30) days, for each offense; or

(b) The County may apply to the appropriate court for an injunction and order of

abatement in order to require that any violator comply with the provisions of this Ordinance; or

(c) 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 North Carolina General Statute 153A-277(b).

2. It is hereby declared to be the intention of the Board of Commissioners that the sections, paragraphs, sentences, clauses and phrases for this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining phrases, clauses, sentences, paragraphs, or section of this Ordinance, since the same would have been enacted by the Board of Commissioners without the incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

3. This amended and restated Ordinance shall be effective July 3, 2016.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

<b>Appendix A.</b>		<b>Solid Waste Fee Ordinance</b>		Note: Charges below are based upon the Rounded Down		
Cubic Yards. All charges are shown as per cubic yard and US dollars.						
<b>Typical Vehicle Sizes and resulting Volume Fees:</b>						
Typical Size in Feet	Cubic Yard Size		Yard Waste Charges	Yard Waste Charges	Construction Debris	Construction Debris
	Rounded Down	Actual	Charges	with Residential Discount	or Bulky Charge	with Residential Discount
			<b>\$4.70</b>	<b>\$4.00</b>	<b>\$13.00</b>	<b>\$9.40</b>
6Wx10Lx2H	4	4.4	\$18.80	\$16.00	\$52.00	\$37.60
6Wx10Lx3H	6	6.6	\$28.20	\$24.00	\$78.00	\$56.40
6Wx10Lx4H	8	8.8	\$37.60	\$32.00	\$104.00	\$75.20
6Wx12Lx2H	5	5.3	\$23.50	\$20.00	\$65.00	\$47.00
6Wx12Lx3H	8	8	\$37.60	\$32.00	\$104.00	\$75.20
6Wx12Lx4H	10	10.6	\$47.00	\$40.00	\$130.00	\$94.00
6Wx6Lx3H	4	4	\$18.80	\$16.00	\$52.00	\$37.60
6Wx6Lx4H	5	5.3	\$23.50	\$20.00	\$65.00	\$47.00
6Wx6Lx5H	6	6.6	\$28.20	\$24.00	\$78.00	\$56.40
6Wx8Lx3H	5	5.33	\$23.50	\$20.00	\$65.00	\$47.00
6Wx8Lx4H	7	7.1	\$32.90	\$28.00	\$91.00	\$65.80