

CHAPTER 50: SOLID WASTE DISPOSAL

Section

Waste Collection Facilities

- 50.01 Purpose
- 50.02 Authority and scope
- 50.03 Administration and enforcement; granting of permits
- 50.04 Definitions
- 50.05 Prohibited material
- 50.06 Containers and grounds
- 50.07 Use of convenience centers
- 50.08 Litter management
- 50.09 Illegal dumping
- 50.10 Landfill management
- 50.11 Source separation and recycling
- 50.12 Recyclable materials

Rates and Charges

- 50.20 Purpose
- 50.21 Establishment of fees
- 50.22 Use of fees
- 50.23 Properties upon which fees shall be assessed
- 50.24 Supplemental assessments and exemptions
- 50.25 Method of billing and collection of solid waste fees
- 50.26 Exclusion for elderly and disabled property owners
- 50.27 Amount of fees

- 50.99 Penalty and Enforcement

WASTE COLLECTION FACILITIES

§ 50.01 PURPOSE.

The purpose of this subchapter is to protect and promote the health, safety, and welfare of the citizens of the county by the regulation of the use of solid waste collection facilities in the county, including the landfill, construction and demolition 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.

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

§ 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 Director or his or her representatives. For the purpose of this chapter, representative shall mean any employee within the Solid Waste Department unless otherwise designated by this chapter.

(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. (Am. Ord. passed 6-5-06)

§ 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 not inconsistent 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.¹ A business offering clothing for sale.

BED & BREAKFAST.¹ 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, boxsprings , and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.

CAMPGROUNDS.¹ A property that offers temporary or permanent rental for recreational vehicles or manufactured houses.

CAMPERS – PERMANENT a site with the intent to be located in the county as of January 1st of each 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 according to a schedule adopted by the Haywood County Solid Waste Department 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 garbage, litter or other solid waste.

COMMISSION. The North Carolina Environmental Management Commission.

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 and doors.

CONTAINER OR DUMPSTER. A receptacle used for the temporary storage of solid waste while awaiting collection.

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

CONVENIENCE STORE.¹ A small market offering various sundries and may be but not limited to the sale of petroleum such as gasoline and diesel.

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

COTTAGES.¹ A small rental house for vacation use.

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 Environment, Health and Natural Resources.

DEPARTMENT STORE.¹ a store having separate sections for a wide variety of goods.

DISPOSAL FACILITY. A site that has been established for the collection or disposal of household trash or recyclables. This would include the convenience centers and the **MATERIALS RECOVERY CENTER.**

DWELLING. Any residential unit housed in a building used for residential purposes, or manufactured homes, or a structure used for residential purposes on any property.

EMPLOYEE(S) / INDEPENDENT SUBCONTRACTOR(S). The business assessed the Solid Waste Availability Fee based on the number of employees / independent subcontractors will be categorized using information provided by the North Carolina Employment Security Commission.

EPA. The United States Environmental Protection Agency.

FACILITY or FACILITIES. Any operation under Solid Waste including but not limited to: the landfill, construction and demolition landfill, materials recovery facility, and Convenience Centers.

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

GROCERY STORE.¹ Retail market selling foods and household merchandise.

SMALL¹ a retail market selling a specialty food items.

LARGE¹ a supermarket especially in the variety or volume of its goods or services.

HAULER. Any person, 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 – Hauler who cannot unload directly into a container.

SMALL HAULER – Hauler who can unload directly into a container without waste hitting the floor/ground.

HAZARDOUS REFUSE. Includes any rusted, jagged appliances or machinery, and ice boxes or refrigerators, whose doors have not been properly dismantled or other articles which have been determined by the Solid Waste Director to constitute a health or safety hazard.

HAZARDOUS WASTE. A solid waste or combinations of solid waste which, because of its quantity, concentration or physical, chemical or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or increase in serious irreversible or incapacitating reversible illness.

(2) Poses a substantial problem or potential hazard to human health or the environment if improperly treated, stored, transported or disposed of or otherwise managed.

(3) Any substance classified as a hazardous waste by EPA.

HOSPITAL.¹ An institution where the sick or injured are given medical or surgical care.

HOTELS.¹ An establishment that provides lodging.

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

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

INNS.¹ An establishment that provides lodging on a nightly basis.

MANUFACTURING.¹ A business that makes products suitable for use or sale or makes from raw materials by hand or by machinery.

MATERIALS RECOVERY FACILITY. The county facility established to process trash for transfer to the landfill and to sort and process recyclables.

MICROBIOLOGICAL WASTE. Cultures and stocks of fectious agents, including but not limited to specimens from medical, pathological, pharmaceutical, research, commercial and industrial laboratories.

MIXED PAPER. Envelopes, catalogs, 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 Director.

MOTELS.¹ An establishment that provides lodging on a nightly basis.

NURSING HOMES.¹ An establishment providing maintenance and personal care for persons (as the aged or the chronically ill) who are unable to care for themselves.

OPEN BURNING. Any fire whose products of combustion are emitted directly into the outdoor atmosphere without passing through a stack or chimney, approved incinerator, or other similar device.

OPEN DUMP. The consolidation or collection of solid waste from one or more sources at a disposal site which has unsanitary conditions, insignificant or no cover, or insignificant or no management. The term shall include any disposal area which has not been approved by the Solid Waste Director.

PATHOLOGICAL WASTE. Human tissues, organs and body parts, and the carcasses and body parts of all animals that were known to have been exposed to pathogens that are potentially dangerous to humans during research, were used in the production of biologicals, or in in vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.

PERMIT. Written authorization from the Solid Waste Director 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 Director to transport refuse, solid waste or recyclable material for hire or compensation.

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

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. Solid or liquid waste from residences, commercial establishments or institutions.

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 Director.

REGULATED MEDICAL WASTE. Blood and body fluids in individual containers in volumes greater than 20 ml., microbiological waste, and pathological waste that have not been treated.

REHABILITATION CENTER¹ 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.

RESTAURANTS¹ 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.

SHARPS. Needles, syringes with attached needles, capillary tubes, slides and cover slips, scalpel blades, test tubes and blood collection tubes.

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 DIRECTOR. The person charged with the overall direction and the day to day operation of the **SOLID WASTE** department.

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 Director.

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.

Note : ¹⁻ as defined by the Haywood County Business Office

(Am. Ord. passed 6-5-06; Am. Ord. passed 8-4-08; Am. Ord. passed 06-04-12)

§ 50.05 PROHIBITED MATERIAL.

It shall be unlawful for any person, firm, or corporation to deposit in the county collection facilities, including the dumpsters, the following articles:

(A) Bulk trash, tree limbs, and tree trunks.

(B) Loose matter not enclosed in bundles or containers.

(C) Scrap building material 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 or the containers or wrappings therefor.

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

(E) 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.

(F) All sewage and human waste.

(G) Hazardous waste.

(H) Cardboard.*

(I) Aluminum.*

(J) Used motor oil and anti-freeze.*

(K) White goods.*

(L) Tires.*

(M) Radioactive wastes.

(N) Regulated medical waste.

(O) Friable asbestos.

(P) Plastic Containers/Bottles Numbered 1 and 2*

(Q) 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.*

Note: Items marked with an * can be recycled.

(Ord. passed 6-6-77; Am. Ord. passed 10-20-80; Am. Ord. passed 6-5-06; Am. Ord. passed 08-02-10) 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. All garbage and refuse which is dropped prior, or after depositing in, a container, or which falls out of a container due to the container being full, shall be cleaned up from the premises and removed by any person using same.

(B) It is unlawful for any person or persons to search through or remove trash from the 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) Penalty, see § 50.99

§ 50.07 USE OF CONVENIENCE CENTERS.

(A) 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.

All loads coming to any of the county’s facilities shall conform to state regulations to prevent littering.

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

§ 50.09 ILLEGAL DUMPING.

The Haywood County Solid Waste staff and a deputy assigned by the Sheriff will assist the N.C. Solid Waste Section in the location and cleanup of illegal dumps in Haywood County.

(A) When a complaint about an illegal dump is filed with or discovered by the county or municipal staff, the appropriate staff will determine the ownership of the property containing the dump.

(B) A letter will be sent to the property owner advising that there is a complaint of an illegal dump. A copy of the letter will be forwarded to the Asheville office of the N.C. Solid Waste Section and other agencies as deemed appropriate. The letter will include a copy of the state regulation pertaining to illegal dumps.

(C) If the owner or person who dumped illegally does not clean the site within 30 days, the county will notify the N.C. Solid Waste Section to take enforcement action.

(Am. Ord. passed 6-5-06)

§ 50.10 LANDFILL MANAGEMENT.

(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 Director.

(B) Landfill tours. Landfill tours or visitors to the landfill must be accompanied by an employee of the Solid Waste Department.

(C) Affiliation with county required. All solid waste generated in the county shall be disposed of in the county in a permitted disposal facility unless otherwise specified by the Board of Commissioners.

(D) Hours of operation. The landfill shall be open during business hours as established by the Board of Commissioners. In emergencies, the landfills may be opened for additional hours as directed by the County Manager or the manager's representative.

(E) Security of the landfills. Except when open during regular business hours, the landfill shall be kept locked and entry shall not be permitted.

(F) Speed limit within the facilities. All persons entering or traveling on county property shall observe posted speed limits and shall operate their vehicles in a safe and courteous manner.

(G) Self-unloading vehicles. All vehicles which are self-unloading shall arrive at the landfills no later than one-half hour before the close of the normal operating day.

(H) 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 discretion of the Solid Waste Director or Landfill Foreman.

(I) 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)

§ 50.11 SOURCE SEPARATION AND RECYCLING.

(A) Disposal of tires. 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 Tipping Fees 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 may be deposited in the tank provided at the convenience center sites.

(D) Disposal of used anti-freeze. Used anti-freeze may be deposited in the tank provide at the facility located at the end of Recycle Road. This tank is for residential users only. Used anti-freeze will not be accepted from commercial and industrial users.
(Am. Ord. passed 6-5-06; Am. Ord. passed 06-04-12)

§ 50.12 RECYCLABLE MATERIALS.

Recyclable material shall consist of the following items and shall be prepared for recycling at the county convenience centers as directed:

- (1) Aluminum, tin or steel cans. Beverage and food cans shall be rinsed. Labels do not have to be removed.
- (2) Plastic containers, #1 and #2. Remove caps, rinse and step on containers to flatten them. Labels do not have to be removed.
- (3) Corrugated containers (cardboard). Flatten. Try to keep clean and dry.
- (4) Mixed paper (see definition). Keep flat, clean and dry.
- (5) Newspaper. Bundle with a string or leave loose. Keep flat, clean and dry. Inserts may remain.
- (6) Other materials. As they are added to the recycling program by the Solid Waste Director.
- (7) Removal of recyclable materials prohibited. No person, other than a county employee or the county's authorized agent, may remove recyclable materials from a county landfill or convenience center.

(Am. Ord. passed 6-5-06)

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 - -; 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 --; 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 --; 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 enterprise within the county.
- (C) All hotels, motels, cottages, inns and any business engaged as a Bed and Breakfast. This includes all hotels, motels, inns and cottages 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 --; 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 excessive 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 --; Am. Ord. passed 11-5-92; Am. Ord. passed 6-5-06)

§ 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.

(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. The solid waste tipping fees so determined shall be invoiced monthly by the County Finance Officer.

(Ord. passed - -; Am. Ord. passed 11-5-92; Am. Ord. passed 6-5-06)

§ 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 will 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 are excluded

- (E) Any business engaged in hauling waste or recycling waste are excluded
- (F) 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 the residence is found to be unsound or condemned.

Appeals

Property owners can appeal the availability fee in writing to the Haywood County Tax Administration 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 Director and a Commissioner will meet on as-needed basis to consider appeals.

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

§ 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 residents dwelling units, including houses, apartment units, and manufactured homes within the County	reference Solid Waste Fee Structure
Hotels, Motels, Cottages, Inns, Bed & Breakfast, Retreat Centers	At a rate of \$15.00 per rentable room
Campgrounds Campers - Permanent Campers - Temporary	75% of the Household Fee reference Solid Waste Fee Structure
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 Structure
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	At a rate of \$15.00 per patient room
Business Based on Number of Employees 5 or less employees 6 to 15 employees 16 or more employees	One (1) times 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 amendments to this subchapter.

(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)

§ 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.

(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. 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.

(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)