

ALAMANCE COUNTY RECYCLING ORDINANCE

(Amendment effective October 1, 2009)

WHEREAS, the General Assembly of North Carolina in G.S. § 130A-309.03(a)(5) has found that the failure or inability to economically recover material and energy resources from solid waste results in the unnecessary waste and depletion of our natural resources; such that, maximum recycling and reuse of the resources must be considered goals of the State; and

WHEREAS, G.S. § 130A-309.09B(a) requires that each local government in North Carolina initiate a recyclable materials recycling program by July 1, 1991; and

WHEREAS, G.S. § 130A-309.09B(a)(3) encourages local governments to separate marketable plastics, glass, metal and all grades of paper for recycling prior to final disposal; and

WHEREAS, G.S. § 130A-309.09B(d) provides that counties shall give consideration to and are encouraged to use for-profit organizations in fulfilling the responsibilities under the recycling programs; and

WHEREAS, pursuant to G.S. § 130A-309.04, it is the goal of the State of North Carolina to reduce the municipal solid waste stream through source reduction, reuse, recycling, and composting on a per capita basis which provides for a reduction of twenty-five percent (25%) by June 30, 1993 and of forty percent (40%) by June 30, 2001; and

WHEREAS, a county may, pursuant to G.S. § 153A-121, by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the County; and

WHEREAS, pursuant to G.S. § 153A-134, subject to the general law of the state, a county may license and regulate businesses operating within its borders; and

WHEREAS, pursuant to G.S. § 153A-136, a county may by ordinance regulate the activities of persons, firms, and corporations, both public and private, regarding the storage, collection, transportation, use, disposal, and other disposition of solid waste, including requiring the source separation of materials from solid waste prior to collection of the solid waste for disposal and requiring participation in a recycling program which has been approved by the Board of Commissioners; and

WHEREAS, the Board of Commissioners has through prior Ordinance enacted a recycling program to comply with the above-referenced State mandates for the disposal of certain Target Recyclables and special waste; and

WHEREAS, it is necessary, in order to effectuate the recycling program, to regulate the separation, collection and disposal of certain recyclable materials generated within Alamance County by amending the definition of "target recyclables" to include certain rigid plastic containers .

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF ALAMANCE AMENDS THE ORDINANCE AS FOLLOWS:

I.

DEFINITIONS

1. "Person" means any natural person, any firm, business, partnership, municipal corporation, or corporation, both public and private, located in Alamance County.
2. "Commercial Generator" means any generator of Target Recyclables located in Alamance County other than a Residential Generator, and includes but is not limited to businesses, institutions, and public entities.
3. "Residential Generator" means an individual household, dwelling, apartment, or other place of residence located in Alamance County which produces Target Recyclables.
4. "Commercial Hauler" means any Person, whether or not for hire or profit, which collects and/or transports Target Recyclables originated from a location other than the Person's residence or place of business. The operation of a Buy-back Center shall not be deemed activities of a Commercial Hauler. Excluded from this definition is any eleemosynary organization.
5. "Target Recyclables" means newspapers, corrugated cardboard, aluminum cans, food and beverage glass bottles which are either clear or brown in color, and commercially generated office paper (including computer paper and shredded office paper). Target Recyclables also means rigid plastic containers that are required by state statute to be labeled (numbers 1 -7) that have a neck smaller than the body of the container and that accept a screw top, snap top or other closure. Examples of rigid plastic containers include milk, soda, water, shampoo, liquid laundry detergent and bleach containers. A container having a capacity of less than eight fluid ounces or more than five gallons is exempt from this ordinance. The prohibition on disposal of recyclable rigid plastic containers in the landfill does not apply to rigid plastic containers that are intended for use in the sale or distribution of motor oil or pesticides.
6. "Facility" means any recycling facility operated and located in Alamance County.
7. "Buy-back Center" means a commercial venture consisting of the purchase or repurchase from the public of Target Recyclables or other recyclable materials for resale or reuse at a location where Residential Generators and Commercial Generators bring Target Recyclables or other recyclable materials to the center.

II.

PARTICIPATION IN RECYCLING PROGRAM

1. All Persons including both Residential and Commercial Generators and Commercial Haulers shall participate in the Alamance County Recycling program as provided herein.

2. All Persons including both Residential and Commercial Generators shall separate from their solid waste prior to collection of the solid waste for disposal all Target Recyclables.

3. All Commercial Haulers and Recycling Facilities shall and are hereby required to obtain a license from the Alamance County Landfill issued pursuant to the Alamance County Solid Waste Ordinance prior to entering into the collection or transportation of Target Recyclables.

4. It shall be a violation of this Ordinance for anyone to place any garbage, trash, or refuse in a container for Target Recyclables provided the container is marked so as to indicate it is to be used only for Target Recyclables.

III.

UNAUTHORIZED PICK-UP

1. It shall be a violation of this Ordinance for any Person unauthorized by the County of Alamance, for those areas outside the territorial limits of any municipality located in Alamance County, or unauthorized by any municipality, to collect or pick up or cause to be collected or picked up any Target Recyclable which has been placed at the curb by any Residential Generator or Commercial Generator for collection, or placed in a container or box by a Residential or Commercial Generator for collection or pick up by a Commercial Hauler.

2. It shall be a violation of this Ordinance for any Person unauthorized by the County of Alamance to collect or pick up or cause to be collected or picked up any Target Recyclable placed in a drop-off center provided for the use of the public by virtue of or on account of a contract with the County of Alamance.

IV.

TERRITORIAL JURISDICTION

1. It is the intent of the Board of Commissioners for this Ordinance to be applicable county-wide including all municipalities contained within the County of Alamance. This Ordinance shall be in full force and effect within the boundaries of any given municipality located within the boundaries of the County of Alamance on and after the effective date of this Ordinance or the date the governing board of the municipality by resolution permits the applicability of this Ordinance within the municipality, whichever is later.

2. Should all the municipalities located within the County of Alamance not allow this Ordinance to be applicable within their jurisdiction, this Ordinance shall be applicable to that part of the County not within a municipality and applicable to those municipalities which have by resolution permitted this Ordinance to be applicable within their boundaries.

V.

PENALTIES

1. Any violation of this Ordinance is a misdemeanor punishable by fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than 30 days, or both fine and imprisonment. For a continuing offense, each day's violation is a separate offense.

2. This Ordinance may be enforced by an appropriate equitable remedy issuing from a Court of competent jurisdiction.

VI.

SEVERABILITY

If any part of this Ordinance, or any application of this Ordinance to a person or condition, is held invalid, the invalidity shall not affect the validity of other parts of this Ordinance or the legitimate application of this Ordinance to other persons or conditions. To this end, the provisions of this Ordinance are declared to be severable.

VII.

EFFECTIVE DATE

This Ordinance as amended shall be in effect on and after October 1, 2009.

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The foregoing ordinance was adopted by the Board of Commissioners for the County of Alamance during regular session on September 8, 2009. See Minute Book No. 39, Page 110.