

**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 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. Fee Schedule

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 solid waste disposal facility owned, operated, licensed by or under contractual agreements with Mecklenburg County, North Carolina ("County Facilities") (including but not limited to the Speedway Landfill) except upon the payment of the fees as set forth in this Ordinance.

Section 2. Speedway Landfill Fee Schedule

Solid Waste, as defined by North Carolina law, 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>
(1) All permitted vehicles	\$29.00 per ton/or \$29.00 per load minimum
(2) All other vehicle types	\$29.00 per ton/or \$29.00 per load minimum

(b) When the scales/weighing systems are NOT in operation, fees shall be computed as follows:

	<u>Vehicle Type</u>	<u>Charge</u>
(1)	Automobiles, Vans, Pickups, Trailers, (less than 10 ft., Single axle, 1 ton or less capacity)	\$29.00 per load
(2)	Trucks, small, open (greater than 1 ton, less than 3 ton capacity)	\$43.50 per load
(3)	Compactor Rear loading, Front loading, Roll-off Container, Roll-off Container open top	\$8.70 per cubic yard vehicle capacity
(4)	Cargo Van	\$4.35 per linear foot of cargo body
(5)	Trailer, Closed or Open	\$4.35 per linear foot of cargo body
(6)	Truck, Dump or Flat Bed, single axle	\$77.00 per load
(7)	Truck, Dump or Flat Bed, tandem axle	\$119.00 per load

Section 3. Tire Fee Schedule

(a) Tires - There will be no charge for the disposal of scrap tires generated within Mecklenburg County at County designated facilities except a charge of \$0.65 shall be imposed for each car or truck scrap tire having a bead diameter of less than 20 inches, a charge of \$2.20 shall be imposed for each car or truck scrap tire having a bead diameter of at least 20 inches, and a charge of \$65.00 per ton shall be imposed for tractor and off-road tires if 1) the scrap tires are new tires that are being disposed of by their manufacturer because they do not meet the manufacturer's standards for salable tires; or 2) the scrap tires are delivered without an accompanying certificate required by the G.S. 130A-309.58(f) that indicates the tires originated in Mecklenburg County. There will be a charge of \$2.00 per tire for tires that are mounted on a rim. There will be a \$ 4.00 per tire charge for tires commingled in 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 carrier brings no more than one exempt load per day. Scrap tires will be accepted only at scrap tire collection areas as designated by the Director of Solid Waste.

Section 4. Yard Waste Fee Schedule

Yard Waste, which includes but is not limited to brush, grass clippings, limbs less than 5 feet long, leaves, and untreated and unpainted wooden pallets, will be accepted at the County's yard waste management facilities upon payment of the following fees:

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

<u>Vehicle Type</u>	<u>Charge</u>
(1) Automobiles (sedans and station wagons)	No Charge
(2) Vans, Pickup Trucks (without built-up sides), Minivans, SUVs, Trailers less than 10' in length with a load less than 2' high.	\$8.50
(3) Pickup Trucks with built-up sides or Trailers greater than 10' in length or with a load greater than 2' high	\$3.80 per cubic yard measured
(4) All other vehicle types	\$19.00/ton or \$8.50 load minimum

(b) When the scales/weighing system are NOT in operation, fee(s) shall be computed as follows:

<u>Vehicle Type</u>	<u>Charge</u>
(1) Automobiles (sedans and station wagons)	No Charge
(2) Vans, Pickup Trucks (without built-up sides), Minivans, SUVs, Trailers less than 10' in length with a load less than 2' high.	\$8.50
(3) Pickup Trucks with built-up sides or Trailers greater than 10' in length or with a load greater than 2' high	\$3.80 per cubic yard measured
(4) Compactor(s)	\$4.75 per cubic yard capacity
(5) All other vehicle types	\$3.80 per cubic yard capacity \$8.50 load minimum

Section 5. White Goods Fee Schedule

White goods, generated within Mecklenburg County, which include but are not limited to inoperative and discarded refrigerators, ranges, water heaters, freezers and other similar domestic and commercial large appliances, will be accepted for processing, recycling and disposal at designated County facilities at no charge.

Section 6. Special Household Waste Provision

Household waste from residences located outside the Designated Geographic Area will be accepted at Mecklenburg County Household Waste Convenience Centers upon payment of an annual fiscal year payment of \$50.00 per residence provided that the disposal of such waste in Mecklenburg County disposal facilities is not inconsistent with provisions contained in any solid waste management plan adopted by the local government within whose jurisdiction the household waste is generated.

“Household waste” as used herein shall be defined as residential trash, garbage, and home furnishings. “Non-household waste” as used herein shall be defined as waste other than household waste, which are 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.

Section 7. Convenience Center Construction and Demolition Waste Fee Schedule

“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>
(1)	Automobiles (sedans and station wagons)	No Charge
(2)	Pickup truck, Van, Minivan, SUVs and trailers less than 12’ in length	\$22.00 per load for a maximum of 5 cubic yards
(3)	Pickup truck, Van, Minivan, SUVs and trailers less than 12’ in length	\$44.00 per load for greater than 5 cubic yards to a maximum of 10 cubic yards

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.

Section 8. 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 shall be computed as follows:

	<u>Vehicle Type</u>	<u>Charge</u>
(1)	All permitted vehicles	\$39.00 per ton/or \$22.00 per load minimum
(2)	All other vehicle types	\$39.00 per ton/or \$22.00 per load minimum

- (b) When the scales/weighing systems are NOT in operation, fees shall be computed as follows:

	<u>Vehicle Type</u>	<u>Charge</u>
(1)	Compactor, Rear loading, Front loading, Roll-off Container, Roll-off Container open top	\$8.50 per cubic yard vehicle capacity for compaction vehicles \$4.50 per cubic yard vehicle capacity for non-compaction vehicles
(2)	Trailer, greater than 10 cubic yards	\$4.50 per cubic yard measured
(3)	Truck, Dump or Flat Bed, single axle	\$84.00 per load
(4)	Truck, Dump or Flat Bed, tandem axle	\$105.00 per load

“Clean Concrete” 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	\$5.00 per ton
(2)	All other vehicle types	\$5.00 per ton

- (b) When the scales/weighing systems are NOT in operation, fees shall be computed as follows:

	<u>Vehicle Type</u>	<u>Charge</u>
(1)	All permitted vehicles	\$5.00 per cubic yard of capacity or a maximum of \$50.00 per vehicle
(2)	All other vehicle types	\$5.00 per cubic yard of capacity or a maximum of \$50.00 per vehicle

“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:

	Vehicle Type	Charge
(1)	All permitted vehicles	\$29.00 per ton
(2)	All other vehicle types	\$29.00 per ton

- (b) When the scales/weighing systems are NOT in operation, fees shall be computed as follows:

	Vehicle Type	Charge
(1)	All permitted vehicles	\$7.25 per cubic yard of capacity or a maximum of \$75.00 per vehicle
(2)	All other vehicle types	\$7.25 per cubic yard of capacity or a maximum of \$75.00 per vehicle

“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:

	Vehicle Type	Charge
(1)	All permitted vehicles	\$29.00 per ton
(2)	All other vehicle types	\$29.00 per ton

- (b) When the scales/weighing systems are NOT in operation, fees shall be computed as follows:

	Vehicle Type	Charge
(1)	All permitted vehicles	\$7.25 per cubic yard of capacity or a maximum of \$75.00 per vehicle
(2)	All other vehicle types	\$7.25 per cubic yard of capacity or a maximum of \$75.00 per vehicle

“Processed C&D Materials” generated by a NCDENR or a SCDHEC Permitted C&D Treatment/Processing/Recycling operation will be accepted at the County’s landfill on US 521. The material shall be C&D like and have been sorted by the permitted facility and be substantially free of plastic, wood and/or metal materials longer than three (3) feet. All loads will be inspected by County staff. Loads determined to be unsorted and or contain plastic, wood or metal materials in excess of three (3) feet shall be charged the fee for, “Construction and Demolition Waste”. These materials will be accepted 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	<u>\$20.00 per ton/or</u> <u>\$20.00 per load minimum</u>
(2)	All other vehicle types	<u>\$20.00 per ton/or</u> <u>\$20.00 per load minimum</u>

- (b) When the scales/weighing systems are NOT in operation, fees shall be computed as follows:

	<u>Vehicle Type</u>	<u>Charge</u>
(1)	<u>Compactor, Rear loading,</u> <u>Front loading, Roll-off Container,</u>	<u>\$4.35 per cubic yard vehicle</u> <u>capacity for compaction vehicles</u>
(2)	<u>Uncompacted loads/</u> <u>Roll-off Container open top</u>	<u>\$2.30 per cubic yard vehicle</u> <u>capacity for non-compaction vehicles</u>

Section 9. 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:

<u>Product</u>	<u>Charge</u>
• Yard Waste Mulch (1-29 cubic yards)	\$10.00/yd ³
• Yard Waste Mulch (30-99 cubic yards)	\$8.00/yd ³
• Yard Waste Mulch (100+ cubic yards)	\$6.00/yd ³
• Fill Dirt (1-29 cubic yards)	\$10.00/yd ³
• Fill Dirt (30-99 cubic yards)	\$8.00/yd ³
• Fill Dirt (100+ cubic yards)	\$6.00/yd ³
• Nugget Waste Mulch	\$10.00/yd ³
• Pallet Mulch (1-29 cubic yards)	\$10.00/yd ³
• Pallet Mulch (30-99 cubic yards)	\$8.00/yd ³
• Pallet Mulch (100+ cubic yards)	\$6.00/yd ³
• Red Mulch (<95 cubic yards)	\$26.00/yd ³
• Red Mulch (>95 cubic yards)	\$15.00/yd ³
• Compost (1-29 cubic yards)	\$23.00/yd ³
• Compost (30-99 cubic yards)	\$21.00/yd ³
• Compost (100-499 cubic yards)	\$19.00/yd ³
• Compost (500+ cubic yards)	\$14.00/yd ³
• Unscreened Compost	\$13.50/yd ³
• Top Soil	\$23.00/ yd ³
• Dump truck Delivery Charge (within 40 miles)	\$60.00/load
• Tractor Trailer Delivery Charge (within 40 miles)	\$150.00/load
• Tractor Trailer Delivery Charge (> 40 miles <120 miles)	\$300.00/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

Section 10. Special Handling

At solid waste disposal facilities owned and/or operated by Mecklenburg County, the Director of Solid Waste or his designee may increase the fees for special wastes or wastes that require special handling based on operational conditions or any other conditions deemed appropriate in lieu of those set forth in Sections 2-8 above as necessary to adequately compensate the County for such special handling.

Section 11. Uncovered/Unsecured Loads

All of the fees in Sections 2-8 shall be increased by 50% for any and all vehicles that enter County Facilities with an uncovered or unsecured load.

Section 12. 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 13. Credit Application

The County Director of Finance, or his designee, is authorized to accept, review, and approve applications for credit by users of solid waste disposal facilities owned and/or operated by Mecklenburg County, 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 14. Decal

If an owner or agent of the owner seeks to have a vehicle use solid waste disposal facilities owned and/or operated by Mecklenburg County, 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.

Section 15. 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 solid waste disposal facilities owned and/or operated by Mecklenburg County in the following circumstances.

(a) The vehicle does not have the decal identified in Section 14 above, and at the time of using a County owned and/or operated facility, the operator of the vehicle refuses to pay the fee required by the fee schedule identified in Sections 2-9 above; or

(b) Any person failing or refusing to pay the fees described herein for County owned and/or operated facility within the times prescribed by the Director of Finance of the County in the periodic billing may be denied further use of the facility 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 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 facility's solid waste permit; or

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

Section 16. Violation of Ordinance

(a) It shall be unlawful for the operator of any vehicle to dispose of waste in any facility covered by the provisions of this Ordinance which the 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 facility covered by the provisions of this Ordinance without paying the fee required by Sections 2-8 of 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 17. Enforcement

1. In addition to the County's authority to deny any use of solid waste disposal facilities as provided for in Section 15 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 Statutes 153A-277.

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 from and after the 1st day of May 2013.

Last amended the first day of July 2012.

Adopted this __ day of _____.