



Town of Southern Shores

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Ordinance No. 2009-07-03

AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL AMENDING CHAPTER 26 SOLID WASTE

Article I: Purpose

The purpose of this Ordinance is to amend the Town Code of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on October 2, 1979 and subsequently amended.

Article II. Amendment of Chapter 26 of the Town Code of Southern Shores

NOW THEREFORE, BE IT ORDAINED by the Town Council for the Town of Southern Shores, North Carolina that Chapter 26 of the Code of Ordinances of the Town of Southern Shores, North Carolina as now exists or as re-codified is hereby amended to add the following:

Sec. 26-21: Licensing of Solid Waste Collectors

(a) The following definitions shall apply to this Section.

Board: The Town Council for the Town of Southern Shores

Collection: The act of removing solid waste to the Transfer Stations or the Facility.

Facility: The East Carolina Environmental Landfill in Bertie County, North Carolina.

Person: Any individual, corporation, company, association, partnership, unit of local government, state agency, federal agency or other legal entity.

Solid waste: any solid wastes that may be disposed of in sanitary landfills, including, without limitation, garbage, refuse, trash and other discarded material, whether from residential, commercial, industrial or institutional sources, which wastes are typically found in household, commercial or municipal refuse.

Solid waste collector means any person who collects, transports or disposes of solid wastes for compensation, other than one who removes solid waste from his own premises.

Solid waste license or license means a license for the collection, transportation and disposal of solid waste pursuant to Section 2 of this article.

Transfer Stations means the following three transfer stations: Chowan/Gates/Perquimans Counties Transfer Station, Currituck County Transfer Station and Dare County Transfer Station.

(b) Solid waste license required.

It shall be unlawful for any person to engage in business as a solid waste collector within any area of the Town, without first having procured a solid waste license from the Board. All solid waste collectors

within the Town shall dispose of all solid waste generated within any area of the Town at the Facility or the Transfer Stations.

(c) Application, issuance, revocation of license.

- a) *Application.* All applicants for solid waste licenses shall file a written application with the Board's authorized representative and shall furnish the following information:
 - 1) The name and address of the applicant, and whether the applicant is a sole proprietorship, corporation, partnership or other entity;
 - 2) A list of the collection vehicles the applicant plans to use in the Town; and
 - 3) Any other information the Board's authorized representative may reasonably request.
- b) *Five-year license.* Solid waste licenses shall be issued for five-year periods. Licenses may be renewed with the information designated in subsection (a) of this section being presented to the Board's authorized representative at least thirty (30) days prior to the expiration of the existing and valid license.
- c) *Selection of applicants; granting of licenses.* The Board's authorized representative shall review applications for solid waste licenses and license renewals, and shall issue licenses and renewals to applicants meeting the requirements of this article.
- d) *Investigation of solid waste collectors prior to license issuance.* Before issuing a license pursuant to this article, the Board's authorized representative may inspect the facilities, equipment and solid waste collection vehicles the applicant plans to use in the solid waste collection business.
 - 1) The Board's authorized representative shall issue the applicant a license when the Board's authorized representative determines that the application is complete and the applicant is in compliance with this article.
 - 2) When a license is issued to a solid waste collector, the solid waste collector shall affix a sticker indicating that the solid waste collector has a valid license to all of its solid waste collection vehicles that are to be operated in the Town. The Board's authorized representative shall issue stickers to the solid waste collector at the time the license is issued. Licensees may obtain additional stickers from the Board's authorized representative.
 - 3) If the Board's authorized representative denies an applicant a license, the applicant may request a hearing before the Board by giving written notice of appeal to the Town Manager within (5) five working days of receipt of the Board's authorized representative's decision denying the license. After a hearing on the appeal, the Board shall either affirm the denial or direct the Board's authorized representative to issue the license.
- e) *Revocation.* When the Board's authorized representative finds that a licensee has violated this article or the conditions of the license, the licensee shall receive written notice of the violation and be informed that if another violation occurs within (30) thirty-working days, or in the case of continuing violation if it is not corrected within (10) ten-working days, the license will be revoked. If another violation occurs within the (30) thirty-working day period, or if the continuing violation is not corrected within (10) ten-working days, the Board's authorized representative shall give the licensee written notice that the license is revoked. Upon receipt of the revocation, the licensee shall cease collecting, transporting or disposing of solid wastes in any area of the Town immediately. The Board's authorized representative may reinstate a revoked license after the revocation has been in effect for (30) thirty working days if the Board's authorized representative finds that the conditions causing the violation have been corrected. A licensee whose license has been revoked may appeal the revocation to the Board by giving written notice of the appeal to the Board's authorized representative within (5) five working days of receiving notice of revocation from the Board's authorized representative. After a hearing on the appeal, the Board shall either affirm the revocation or direct the Board's authorized representative to reinstate the license.

(d) License fee.

The licensee shall pay to the Town or its authorized representative, the sum set by the designated representative, not to exceed fifty dollars (\$50.00), for the issuance of the license, and the sum of one dollar (\$1.00) for each sticker to be affixed to each solid waste collection vehicle.

(e) Non-transferability of licenses.

Solid waste licenses are non-transferable and non-assignable.

(f) Responsibilities of licensee.

- a) The licensee shall serve every person who contracts with it for solid waste collection in such a manner that the licensee does not cause the person to be in violation of this article.
- b) The licensee shall dispose of all solid waste generated within any area of the Town at the Facility or the Transfer Stations.
- c) A licensee shall submit an annual report to the Board's authorized representative containing the following information:
 - 1) A list of the collection vehicles the licensee used in the Town during the reporting year;
 - 2) The total amount of solid waste collected in the Town and the locations where the solid waste was disposed of during the reporting year;
 - 3) A certification that all solid waste the license collected in the Town was disposed of at the Facility or the Transfer Stations; and
 - 4) Any other information the Board's authorized representative may reasonably request.

(g) Enforcement.

- a) *Penalty.* Any person who is found in violation of this article shall be subject to a civil penalty of not to exceed \$500.00 as provided in N.C.G.S. § 153-123. Each day's violation shall be treated as a separate offense.
- b) *Remedies.* This article may be enforced by equitable remedies, and any unlawful condition existing or in violation of this article may be enforced by injunction and order of abatement in accordance with N.C.G.S. § 153A-123.

Article III. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article IV: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 4th day of August 2009.

1st Reading: July 7, 2009
2nd Reading: August 4, 2009




 Don Smith, Mayor

VOTE: 5 Aye 0 Nay


 Carrie Gordin, Town Clerk

Approved as to form:

 Ben Gallop, Town Attorney