

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: February 21, 2018

SUBJECT: Clarification and Revision of Article II of Chapter 95 of County Code (Solid Waste)

PRESENTER: Charles Russell Burrell

ATTACHMENT(S): Proposed enactment revising Chapter 95 (marked up text showing revisions, and clean text)

SUMMARY OF REQUEST:

Attached is a proposed clarification and revision of Article II of Chapter 95 of the Code regarding licensure of solid waste collection.

County staff will be present and prepared if requested to give further information on this matter.

BOARD ACTION REQUESTED:

Enactment of the revision.

If the Board is so inclined, the following motion is suggested:

I move that the Board adopt the proposed amendments.

Henderson County
North Carolina

Before the Board of Commissioners

Amendment to Solid Waste Ordinance, Chapter 95 of the Henderson County Code, Article II. This amendment clarifies and emphasizes that the operations of permitted haulers of solid waste and recyclable materials under Article II of Chapter 95 are covered by the permit issued by the County, to the extent that such operations directly affect the ability of the County's citizens to comply with the Ordinance's requirements of waste collection and recycling.

ENACTMENT 2018-_____

An ordinance to amend Article II of Chapter 95 of the Henderson County Code.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY, THAT:

Section 1. Amendment to Section 95-30. As amended, Section 95-30 of the Henderson County Code shall hereafter read as follows:

§95-30. Equipment and Operations Standards.

All trucks and other equipment used by the collector must meet minimum standards prescribed by the Henderson County Solid Waste Management Department. These standards shall require, at a minimum, that truck beds be covered. Vehicles shall be leak proof, durable and easily cleaned to prevent insect breeding, odor or other nuisance and shall be maintained in good repair as determined by the Solid Waste Director. Each collector shall provide the Solid Waste Director with a plan for the regular and sufficient collection of solid waste and recyclable materials of its customers, and shall operate in regular compliance with such plan.

Section 2. Amendment to Section 95-35. As amended, Section 95-35 of the Henderson County Code shall hereafter read as follows:

§95-35. Revocation of Permit; Appeals

A. Whenever, upon inspection of the facilities, equipment or operating methods of any person collecting, transporting or disposing of solid waste or recyclable materials, the Solid Waste Director finds that conditions or practices exist which are in violation of the provisions of this article, the Solid Waste Director shall give notice in writing to such person that unless such conditions or practices are corrected within 30 days the operating permit of such person shall be revoked. Haulers will be allowed to collect, transport and dispose of solid waste or recyclable materials during this thirty-day period. Immediately upon the receipt of the notice of the Solid Waste Director as provided above in this section, the permit-holder shall provide to the Solid Waste Director a list of the permit-holder's customers within Henderson County. Such list of customers shall not be a public record so long as the permit-holder complies with N.C. Gen. Stat. §132-1.2, and shall be used by the Solid Waste Director only to notify customers of the permit-holder of the revocation of the

permit-holder's permit, and for no other purpose. In the event a revoked permit is reinstated by either the Solid Waste Director or by the Board of Commissioners pursuant to this section, the list of customers shall be destroyed.

No such permit shall be reinstated by the Solid Waste Director until he finds, upon reinspection and other proof satisfactory to the Solid Waste Director of operations in compliance with this Chapter, that all provisions of these regulations have been complied with, except that following a hearing as hereinafter provided such permit may be reinstated by order of the Solid Waste Department. The Solid Waste Director shall be the only person authorized to enforce this subsection.

B. Any revocation of a solid waste hauler's permit may be appealed to the Henderson County Board of Commissioners by the submission of a notice of appeal to the Solid Waste Director within 10 days of the effective date of the revocation. If a notice of appeal is not filed within 10 days, the permit shall be deemed to have been automatically revoked.

Section 3. *Effective Date.* This ordinance shall take effect on adoption.

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