

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE BUNCOMBE COUNTY CODE  
OF ORDINANCES SOLID WASTE MANAGEMENT ORDINANCE

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WHEREAS, Chapter 62 of the Buncombe County Code of Ordinances was adopted pursuant to N.C. Gen. Stat. § 153A-132.1, which authorizes counties to “enact ordinances governing the removal, method or manner of disposal, depositing or dumping of any trash, debris, garbage, litter, discarded cans or receptacles or any waste matter whatsoever within the rural areas of the county and outside and beyond the corporate limits of any municipality of said county” and N.C. Gen. Stat. § 153A-136, which authorizes counties to regulate, by ordinance, “the storage, collection, transportation, use, disposal, and other disposition of solid wastes;” and

WHEREAS, the Board of Commissioners has determined that it is in the best interest of the citizens and residents of Buncombe County to enact the revisions set forth below to the County Code of Ordinances.

NOW THEREFORE, be it ordained by the buncombe county board of commissioners:

1. That Section 62-30 of the Buncombe County Code of Ordinances be amended as follows:

Sec. 62-30. – Storage; collection; transportation; disposal.

(c) *Transportation*. Transportation of solid waste shall be as follows:

- (1) No solid waste shall be transported except in conformance with this section. The vehicles or containers used for the collection and transportation of solid wastes shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom, and shall be covered ~~or secured when necessary~~ or secured to prevent the blowing of materials from out of the vehicle. These vehicles shall be cleaned when necessary to prevent insect breeding, odor, or other nuisance, and shall be maintained in good repair. Materials spilled by the hauler shall be picked up immediately by the hauler and returned to the vehicle or container, and the area properly cleaned. ~~A violation of this provision shall subject the violator to imposition of a civil penalty by the director of solid waste in an amount not to exceed \$50.00.~~
- (2) This section shall not prevent the use of a private car or truck in transporting properly contained wastes to a landfill ~~or transfer station~~, provided the hauler ensures that the solid wastes will be covered ~~or secured~~ during transportation and that no windblown, spillage or leakage occurs.
- (3) ~~A violation of this provision shall subject the violator to imposition of a civil penalty. The current civil penalty is on file and available in County offices and included in the County’s fee schedule, which is adopted annually.~~

2. That Section 62-31 of the Buncombe County Code of Ordinances be amended as follows:

Sec. 62-31. - User and tipping fees.

The schedule of user and tipping fees for disposing solid waste at the county landfill and transfer station is not printed in this Code but is on file and available in the county offices **and included in the County's fee schedule, which is adopted annually.**

3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declare that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid.

4. This ordinance is effective upon adoption.

Read, approved and adopted this 20<sup>th</sup> day of June, 2023.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

\_\_\_\_\_  
Lamar Joyner, Clerk

BY: \_\_\_\_\_  
Brownie Newman, Chair

APPROVED AS TO FORM

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County Attorney