

AN ORDINANCE TO ESTABLISH FOR BEAUFORT COUNTY PROVISIONS TO REGULATE COLLECTION AND DISPOSAL OF SOLID WASTE, DEFINE SOLID WASTE AND PROVIDE PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

THIS ORDINANCE SUPERSEDES BEAUFORT COUNTY ORDINANCES 72-2, 73-2, 76-5, 77-24, 84-13, 84-18, 85-9, 87-12, 87-14, 88-8 AND 89-2.

SECTION 1. AUTHORITY

A. Authority and Purpose. Beaufort County shall provide for the collection and disposal of solid waste. A County designated landfill site shall be the only authorized and permitted site for Beaufort County. The landfill is established in pursuance of the authority conferred by Sections 44-55-1010 through 44-55-1060 Code of Laws of South Carolina, 1976, as amended, Section 44-1-140 (11) Code of Laws of South Carolina, 1976, as amended, and Section 9, Part II, Act No. 410 of 1971 also South Carolina Regulation PC-SW-2, and for the public health, welfare and safety of the citizens of Beaufort County. The following rules and regulations are hereby adopted along with all other Department of Health and Environmental Control Rules and Regulations.

Beaufort County shall build and operate fourteen or more household garbage transfer stations located throughout Beaufort County. These household garbage transfer stations shall be for the disposal of household refuse only. These sites will meet any State and Federal regulations and requirements that are applicable.

B. General. Section 9 of the General Appropriations Act (Act No. 410) defines the South Carolina State Board of Health as being "the agency of State government having jurisdiction over these matters involving real or potential threats to the health of the people of South Carolina, including the handling and disposal of garbage and refuse . . ." Improper storage, collection and transportation systems create health hazards, odors, impair the aesthetic appearance of the State, encourage wild and domestic animal feeding and exposes residents to undue risks. Therefore, these minimum standards are proclaimed to eliminate these adverse factors.

SECTION 2. DEFINITIONS

A. Solid Waste means garbage, refuse, litter, rubbish, or any material resulting from industrial, commercial, agricultural or residential activities not

disposable by means of a sewage system operated in accordance with State regulations.

B. Sanitary Landfill means a method of disposing of solid waste on land without creating pollution, nuisances or hazards to public health and safety.

C. Household Garbage Transfer Station means any County authorized disposal site located in Beaufort County and authorized by Beaufort County for the disposal of residential household waste. There are three (3) types of transfer stations: Type "A" for use by general public depositing household garbage into open 40-yard containers; Type "B" for use of collector/ hauler depositing household garbage into contractor equipment; and Type "C" which is a combination of Type "A" and Type "B".

D. Household Waste means all putrescible animal and vegetable waste, paper, tin, glass and old clothing.

E. Refuse means all waste substances including garbage as well as combustible and noncombustible wastes.

F. Collector/Hauler includes an individual, corporation, or other legal entity, a partnership, and any unincorporated association which collects solid waste commercially and hauls it to the designated County landfill, and shall include both singular and plural. Commercial shall mean to include landlords who provide collecting and hauling services to tenants as part of rental payments.

G. Industrial and/or Commercial Waste means waste generated or produced from any source other than a single-family residence.

H. Generator means any individual person, company, firm, housing subdivision, residences, development, or otherwise that generates refuse, solid waste, etc.

I. Construction Debris means those scraps of lumber, sheet rock, wallboard, plaster, etc. generated in new construction or remodeling of existing building. Permits are required for this activity.

J. Mixed Loads means any mixture, upon or within a single truck, trailer, receptacle or other means of conveyance, of two or more type of waste, debris, or refuse as defined herein.

K. Designated Operator means the municipality person, firm, corporation or other entity designated by County Council to operate a Type "B" or "C" transfer station.

SECTION 3. SUPERVISOR OF BEAUFORT COUNTY PUBLIC WORKS

The solid waste of Beaufort County is collected, transported and disposed of under the supervision of the Solid Waste Coordinator who serves under the Supervisor of Beaufort County Public Works.

A. Solid Waste Coordinator shall issue Beaufort County licenses to all approved solid waste collection operators.

B. Solid Waste Coordinator will inspect or cause to be inspected and approve every vehicle which is used for solid waste collections. Vehicles must meet the standards for solid waste haulers as established by the Department of Health and Environmental Control.

C. Solid Waste Coordinator will serve as a liaison between Beaufort County and the contract hauler who is servicing our solid waste transfer station site insuring the provisions of the contract are met.

D. Solid Waste Coordinator will serve as a liaison between Beaufort County and the designated County landfill insuring the provisions of any contract operation are met.

E. Solid Waste Coordinator will close or cause to be closed any private landfill sites unless approved and permitted by the South Carolina Department of Health and Environmental Control.

SECTION 4. SANITARY LANDFILL SITE

A. All persons, firms, corporations and governments utilizing the County designated sanitary landfill site shall be governed by the following regulations.

1. All vehicles entering the landfill site shall stop at the Scales Office. They will show a drivers license or other proof of Beaufort County address, be weighed in and receive instructions on where to dump. Upon leaving the site, they will be weighed out; and receive a copy of the scales ticket. Driver and helpers must be out of vehicle during weighing. All roll-off boxes should be weighed entering and leaving the site.

2. All materials, chemicals or liquids that are considered to be hazardous or needing special handling shall be refused at the site unless they have been cleared by DHEC and the current landfill operator and the clearance is on file at the landfill site.

3. Disposal of animals to include: dogs, cats, cows, horses, mules, whales, sea turtles, etc., at the landfill will only be at the direction of the current landfill operator.

4. All signs posted in the landfill site regulating speed, traffic, etc., shall be strictly obeyed at all times.

5. No person shall search, probe or scavenge in the landfill site; except special cases and these must be authorized by the current landfill operator.

6. No septic tank waste or sewage disposal shall be accepted at the landfill site.

B. All the above regulations plus any additional regulations considered necessary to the operation, and required by the current landfill operator will be strictly enforced at all times and violators will be prosecuted.

SECTION 5. HOUSEHOLD GARBAGE TRANSFER STATION

A. The household garbage transfer stations located throughout the County are the property of Beaufort County.

B. All persons utilizing the household garbage transfer station shall be governed by the following regulations:

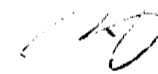
1. No person shall search, probe or scavenge any household garbage transfer station container therein; except special cases and these must be authorized by the Supervisor of Beaufort County Public Works.

2. No person shall, at any time or in any manner, damage any household garbage transfer station or container therein.

3. Household garbage transfer stations are for the sole use and exclusive purpose of disposal of household refuse. Any use of the sites which is inconsistent with the disposal of household refuse is prohibited.

4. No person shall go upon, be upon, or remain upon these sites except where actually disposing of household refuse as defined by this Ordinance.

5. Any person going upon, being upon, or remaining upon the site without garbage, or garbage other than household refuse shall be deemed a violator and shall be punished in accordance with Section 14 of this Ordinance.



6. It shall be unlawful to dispose of refuse on the ground at the household garbage transfer stations.

7. Type "A" sites are not to be used by multi-residential establishments which do their own collecting and hauling.

8. Establishments referenced in paragraph 7, "if collecting and hauling their own household garbage," will dispose of household garbage at a Type "B" or "C" site or the designated County landfill site. Use of Type "A" household garbage transfer station is strictly prohibited.

SECTION 6. POSTING OF HOUSEHOLD GARBAGE TRANSFER STATIONS

A. Beaufort County shall post a sign at each of the household garbage transfer stations explained in Sections 5 and 14 of this Ordinance.

SECTION 7. COLLECTORS AND HAULERS

A. Collectors of household garbage shall dump only at the designated Beaufort County landfill site, a Type "B" site or Type "C" site. Only household garbage may be deposited in Type "B" and Type "C" site.

B. Collectors must provide the Solid Waste Coordinator maps of the established routes for which they are requesting a license.

C. Collectors must provide the Solid Waste Coordinator with a copy of their standard contract with commercial and/or individual homeowner's contract stating the frequency and amount charges.

D. Collectors shall have the authority, once licensed, to prescribe the capacity of container provided by the individual home customers.

E. Collectors shall be furnished a copy of the following information pertaining to solid waste in Beaufort County and the State of South Carolina:

1. Laws relating to collection and disposal of garbage in counties in the State of South Carolina.

2. Section 16-11-700 of the Code of Laws of South Carolina, 1976, as amended, regarding dumping trash or refuse on property of another or on highways, ocean or river front, etc.

3. Beaufort County's Ordinance on solid waste rules and regulations.

F. Collectors shall sign a written statement that they have received and read this ordinance, rules, regulations and information in paragraph E above and agree to abide by them.

G. Collectors, once properly licensed, have the authority to charge per container each solid waste generator (home, business, industry, etc.) as long as their license is in effect and the individual solid waste generator abides by his individual contract. The County Council of Beaufort County does not regulate rates.

H. Collectors changing or discontinuing solid waste routes shall notify the Solid Waste Coordinator sixty (60) days prior to change or discontinuance, except in death, providential disaster, and other exceptions granted by the County.

SECTION 8. LICENSING OF COLLECTORS

A. No commercial collector of either domestic or industrial waste will operate a collection route or use the landfill site maintained for Beaufort County until or unless such collector is licensed by the County Council of Beaufort County through their agents who shall license such collectors under the following conditions:

1. License Fee for collectors of domestic waste, industrial waste or domestic and industrial waste - annual charge
\$100.00
 - a. There will be an additional fee per vehicle of
\$50.00
2. License Fee for non-resident (out-of-County) annual charge
\$300.00
 - a. There will be an additional fee per vehicle of
\$50.00

B. Collectors and haulers licenses shall expire the first day of July of each calendar year.

SECTION 9. COLLECTORS'/HAULERS' VEHICLES

A. Every vehicle used for transportation of solid waste for a charge shall be owned and/or operated under the supervision of the collector holding an unrevoked license to transport solid waste.

B. All vehicles used in the collection and transportation of refuse shall be so constructed as to prevent leakage or blowing of refuse (solid waste) while in transit.

C. The body of all vehicles transporting loose refuse shall be wholly enclosed, or shall at all times, while in transit, be kept covered with a canvas cover or a net provided with eyelets and/or rope tie-downs, or any other approved method which will prevent blowing or spillage of loose materials or liquids.

D. Every vehicle shall be kept well painted and in good repair.

E. Every vehicle used for transporting solid waste by a licensed collector shall carry a legend on the side of the body which shall include the following: name of collector, address, telephone number, and cubic volume of hauling body. In the event the vehicle is used for other purposes, this information can be on a sign which can be firmly attached to the vehicle when used in solid waste transporting.

F. All haulers, except for individual residences, transporting solid waste must display a numbered decal issued by the Beaufort County Solid Waste Coordinator. Haulers to include: contractors, trailer parks, apartment houses, or any business hauling their own solid waste.

SECTION 10. INDIVIDUAL SOLID WASTE GENERATOR REGULATIONS

A. The owner or occupant of each house shall provide the number and type containers called for in his individual contract with the collector. Provisions for containers will be negotiated with the contractor by the individual homeowner.

B. Solid waste containers for food service establishments, businesses, and industries must be an approved dumpster type. If more capacity is required, additional containers and/or approved dumpsters must be furnished.

C. Generators are entitled to the services rendered by the properly licensed collector as long as each abides by the terms of their contract and these rules and regulations.

D. Burning of solid waste on individual premises is prohibited except when the regulations of local fire departments and the S.C. Department of Health and Environmental Control are fully complied with.

E. Individual generators may utilize the household garbage transfer stations in lieu of a pickup service provided they abide by Section 5 of this Ordinance.

SECTION 11. MULTI-SOLID WASTE GENERATOR REGULATIONS

A. All multi-residential areas including, but not limited to, apartments and trailer parks consisting of more than two units and commercial or industrial establishments must either own DHEC approved collection and transporting equipment or must contract with a licensed County Collector/Hauler for collection service.

B. Establishments referenced in paragraph A, "if collecting and hauling their own solid waste," must dispose of solid waste at a Type "B", Type "C" or the landfill site. Use of the household garbage transfer station is strictly prohibited.

SECTION 12. SOLID WASTE DISPOSAL FEES AND ESCROW ACCOUNTS

A. All military bases, Federal facilities, and other waste generators not paying real estate tax in Beaufort County will pay a per-ton charge that is revised annually in May of each calendar year. In addition, any special handling fee(s) required for material transported to the designated County landfill will be borne by the depositor. Current per-ton charge is available through Beaufort County Public Works Office.

B. Non-Beaufort County collectors/haulers/contractors and all collectors/haulers/contractors working on military bases and Federal facilities shall pay the per-ton charge that is current at the time of their contract after setting up a solid waste disposal escrow account with the Beaufort County Public Works Office.

C. Non-Beaufort County collectors/haulers/contractors and collectors/haulers/contractors working on military bases and Federal facilities shall set up and maintain with Beaufort County a drawing account in an amount equal to the estimated billing of one month based on an average of twelve months' billing. Any funds

remaining in this account after all charges are paid, will be returned to the collector/hauler/contractor upon cessation of use of the County landfill. Collectors/haulers/contractors will be billed by the fifth (5th) day of the following month and payment must be received by the twentieth (20th) day of that month or Beaufort County will terminate their disposal license.

D. Out-of-County collectors/haulers/contractors shall set up an escrow account with Beaufort County equal to the amount owed for thirty (30) days. They also will be billed by the fifth day of the following month and payment received by the twentieth day of the month or Beaufort County will terminate their disposal license.

E. Any contract "collector/hauler" who sets a container for a contractor, will be responsible for payment of all fees charged for use of the hauler.

F. In addition, all County haulers, industries, persons and/or businesses dumping land clearing debris shall pay the entire cost of handling such debris.

G. Non-compactible rubble, such as concrete, etc., will be charged at double the tonnage rate for normal household refuse, to be paid by either the property owner or hauler. Permits are required for all demolition activities in the County in accordance with Section 5-14 (c) of the Code of Ordinances for Beaufort County.

H. All construction debris will be charged at the current per tonnage charge beginning October 1, 1987. There shall be no such charge for debris resulting from jobs in progress prior to October 1, 1987. The County Supervisor may exempt herefrom a job commencing after October 1, 1987, upon proof, satisfactory to him, that the contract for such job was completed prior to July 1, 1987. In order to qualify for this exemption, the contractor will have to provide the County Supervisor with a notarized statement.

I. Tires will be charged at triple the tonnage rate for normal household refuse to be paid by the owner or the hauler.

J. Asbestos will be charged by the cubic yard at the rate of \$75/cubic yard with prior approval from the Department of Health and Environmental Control (DHEC) for delivery.

K. Mixed loads, as defined in Section 2, "J" herein, shall be charged in their entirety at the highest rate applicable to any portion of such load. For example, an entire trailer load of household waste with one or more tires, shall be charged at the rate of tires.

L. Out-of-state solid waste will be charged at triple the current tonnage rate with prior approval from County Council of Beaufort County and the Department of Health and Environmental Control (DHEC).

M. As an incentive for municipalities to develop salvage separation of household garbage, the County will pay to the operators of Type "B" transfer stations prevailing per ton charge at the County's landfill and will haul paper, cans and glass to the redemption center retaining the funds collected to offset hauling costs.

SECTION 13. DISPOSITION OF FEES COLLECTED

A. All fees collected for licensed collectors and landfill fees generated at the County landfill site shall be turned in to the County Treasurer and credited to the County's General Fund.

B. All fees collected for licensed collectors at Type "B" and Type "C" transfer stations will be administered by the designated operator. Rate schedules must be approved by the Deputy Administrator of Public Works.

SECTION 14. PENALTIES

A. Any person, firm, corporation, etc., violating the provisions of the rules and regulations prescribed by this Ordinance shall be deemed guilty of a misdemeanor and upon conviction be fined not more than Two Hundred and No/100 (\$200.00) Dollars or be imprisoned for not more than thirty (30) days.

B. All law enforcement officers in the County, including S.C. Highway Patrolmen, Magistrates and Constables, are called upon and empowered to enforce the provisions of this Ordinance.


C. Where penalties may involve termination of license, the collector/hauler will be informed, in writing, with return-receipt requested, to the address of record. He will be given five (5) business days to correct the deficiency, then the license will be revoked.

SECTION 15. ORDINANCE LEGALITY

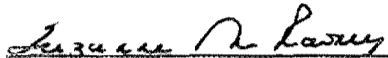
A. If any section, subsection or clause of this Ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby.

This Ordinance shall take effect the 12th day of June, 1989.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: 
William M. Bowen
Chairman

ATTEST:


Clerk to Council

First Reading: May 8, 1989
Second Reading: May 22, 1989
Public Hearing: May 22, 1989
Third and Final Reading: June 12, 1989

Amending Ordinance 89-2