

AN ORDINANCE TO AMEND CHAPTER 9, ARTICLE III OF THE GREENVILLE COUNTY CODE OF ORDINANCES, ENTITLED "COUNTY SOLID WASTE DISPOSAL FACILITIES", TO REMOVE AND UPDATE OBSOLETE PROVISIONS AND TO CLARIFY THAT HOUSEHOLDERS SHALL BE ALLOWED TO DEPOSIT UP TO THREE CUBIC YARDS PER LOAD OF WASTE PER DAY TO A RESIDENTIAL WASTE AND RECYCLING CENTER.

BE IT ORDAINED BY THE GREENVILLE COUNTY COUNCIL:

Section 1. Amendment to Chapter 9, Article III of the Greenville County Code of Ordinances.

Sections 9-31 through 9-50 of the Greenville County Code of Ordinances are hereby amended to read as follows:

"Section 9-31. AUTHORITY.

This article is authorized by the South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code, §§ 44-96-10 *et seq.*, as amended.

Section 9-32. FINDINGS

The county operates numerous ~~landfills and other~~ solid waste disposal facilities, such as ~~transfer stations~~ residential waste and recycling centers and landfills. These facilities are under the direction and control of the Solid Waste ~~department~~ Division of the county government. ~~The Greenville County Council~~ finds that the health, safety, and welfare of the citizens of the county require the promulgation of rules and regulations governing the collection, deposit and disposal of solid waste. The council further finds that many of the practices prohibited in this article have been permitted to exist to the detriment of sound health and sanitary practices.

Section 9-33. DEFINITIONS.

The following definitions shall apply herein:

Construction and demolition debris means discarded solid wastes resulting from construction, remodeling, repair, and demolition of structures, road building, and land clearing.

~~*Convenience centers* are county-operated solid waste drop-off facilities which are staffed by county employees during specified operating hours. Waste deposited at the centers is transported in solid waste containers to the county-operated landfill.~~

Domestic waste shall mean all perishable refuse, including animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food; household rubbish,

including paper, cardboard, boxes, rags, plastic, cloth, glass, bottles, cans and any similar waste that is generated from household activities or small businesses as defined herein.

~~Health authority~~ includes members and representatives of the county health department and the state department of health and environmental control.

Householder is one who uses county waste disposal facilities ~~for his own use~~ to dispose of household garbage and refuse, including tires, and yard ~~trash waste~~ and including household garbage collected from family, friends, or the handicapped, provided a fee is not charged for the service.

~~Sanitary Landfill~~ shall mean a sanitary landfill operated by the county, and constitutes a method of solid waste disposal without creating pollution, nuisance, or danger to the public health and safety.

Lead-acid battery means any battery that consists of lead and sulfuric acid, is used as a power source, and has a capacity of 6 volts or more.

Person means an individual, firm, or corporation.

Private hauler is any person, firm, or corporation which, as a service to others and for a fee, hauls their waste, or provides a similar service to business or industry.

Refuse means nonputrescible waste such as paper, cardboard, tin cans, wood, glass, bedding and crockery.

~~Residential properties~~ are properties which are principally used as a dwelling place. Residential properties include, but are not limited to, houses, apartments, condominiums, townhouses, mobile homes, cottages and cabins which are rented for whatever periods of time, including such premises rented for vacation and resort purposes. It shall not, however, include rooms within motels, hotels, inns, and boarding houses. Residential properties shall either be single-family residences or multifamily units as defined below:

—(1) Single-family residences are residential properties which are classified by the county assessor as having only 1 dwelling unit per property, parcel, or account. This definition includes but is not limited to mobile homes.

—(2) Multifamily units are residential properties consisting of dwelling units classified by the county assessor as having more than 1 dwelling unit per property, parcel, or account. This definition includes but is not limited to apartments, as well as any detached houses of a multiple number on a single piece of property.

Residential waste and recycling centers are county operated solid waste drop-off facilities which are staffed by county employees during specified operating hours. Waste deposited at the centers is transported in solid waste containers to the county operated landfill.

Scavenge means uncontrolled picking from discarded solid waste materials.

Small business shall mean a commercial establishment which generates less than a 100-gallon container of refuse weekly, or the equivalent thereof.

Solid waste shall mean garbage, refuse, litter, rubbish or any other waste resulting from industrial, agricultural, or residential activity not disposable by means of a sewerage system operated in accordance with state laws or regulations.

Solid waste container means those roadside containers which are intended only for use by homeowners and the traveling public at solid waste disposal facilities.

Solid waste disposal facility shall mean a residential waste and recycling center and/or a landfill.

Transfer station shall mean ~~a station operated by the county for the collection and transfer of solid waste, and includes the solid waste container herein mentioned.~~

Used oil means any oil which has been refined from crude or synthetic oil and, as a result of use, storage, or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties, but which may be suitable for further use and may be economically recyclable.

Waste tire means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

White goods include refrigerators, ranges, washers, dryers, water heaters, freezers, dishwashers, trash compactors, air conditioners, and commercial large appliances.

Yard trash waste means solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

SECTION 9-34. ~~APPLICABILITY OF OTHER LEGISLATION~~ Reserved.

~~Except insofar as they are in conflict with this article, Act 893 of the 1940 Acts and Joint Resolutions, and any other act of the General Assembly relating to the collection and disposal of solid waste in the county, shall remain in full force and effect. Reserved.~~

Section 9-35. CRIMINAL PENALTIES

Any person, firm, corporation or agent, who shall violate the provisions of this division shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this division is committed or continued.

Section 9-36. ENFORCEMENT

The primary responsibility for the enforcement of this article is delegated to the county administrator, but all lawfully constituted law enforcement officers in the county are empowered to enforce and carry out the provisions of this article.

Section 9-37. ~~Nonresidents of Greenville County shall not be permitted to deposit solid wastes, garbage or refuse in any county landfill or transfer station except by authority of the county council upon the recommendation of the county administrator. Reserved.~~

Section 9-38. AUTHORIZED USES.

(a) ~~Convenience centers~~ Residential waste and recycling centers are intended for use by householders and the traveling public, and their use by private, industrial or commercial haulers is prohibited. Separate solid waste containers are provided for the deposit of materials that have been banned by the South Carolina Department of Health and Environmental Control for disposal with municipal solid waste such as dirt, rocks, trees, stumps, brush, leaves, limbs, abandoned kitchen appliances and household garbage, but such materials must be placed wholly within the container.

(b) Householders, private licensed haulers, municipalities, other political subdivisions, and authorized commercial and industrial establishments may dispose of solid wastes in county operated landfills in accordance with this and other ordinances and applicable state laws.

Section 9-39. UNLAWFUL ACTIVITIES.

(a) It shall be unlawful for any person to loiter about or trespass upon any ~~sanitary landfill or transfer station~~ solid waste disposal facility except for transaction of business during normal operating hours.

(b) It shall be unlawful for any person to remove, scatter, probe through, scavenge, interfere with, or disturb waste, garbage, refuse, or other objects or materials deposited in or collected at any ~~sanitary landfill or transfer station~~ solid waste disposal facility.

(c) It shall be unlawful for any person to mutilate in any manner a container or other equipment located at a ~~transfer station, convenience center~~ solid waste disposal facility or set fire to the container or its contents.

(d) It shall be unlawful for any person to set fire to a solid waste disposal facility ~~the landfill~~ or its contents.

(e) It shall be unlawful for any person to deposit in any ~~landfill or container at a transfer station~~ solid waste disposal facility any dangerous materials or substances such as poisons, acids, caustics, infected materials, and explosives unless such disposal is authorized in writing by the state department of health and environmental control.

(f) It shall be unlawful for any person to deposit solid waste of any kind beside, around, or on top of, any container at a ~~transfer station~~ solid waste disposal facility.

(g) It shall be unlawful for anyone to misrepresent to ~~landfill~~ solid waste disposal facility operators the following:

- (1) The nature and composition of the waste they are depositing;
- (2) The capacity for which they are hauling, i.e., ~~commercial~~ private hauler or householder, etc.;
- (3) The amount of waste they intend to deposit and its degree of compaction or density.

(h) It shall be unlawful for a private hauler to deposit solid waste in a residential waste and recycling center.

Section 9-40 LANDFILL USERS FEE.

(a) *Applicability.*

(1) ~~Tipping fees will not be charged on residential solid waste hauled by Greater Greenville Sanitation Commission or hauled by a municipality located within the boundaries of Greenville County, South Carolina or the agent of such municipality.~~ Householders shall be allowed to deposit up to 3 cubic yards per load of waste per visit day to a ~~convenience center~~ residential waste and recycling center. Householders shall be allowed to deposit up to 4 tires with a Department of Transportation number per visit to a ~~convenience center~~ residential waste and recycling center without payment of a tipping fee. Documentation for proof of purchase on tires generated within Greenville County may be required. Householders depositing undocumented tires will be charged at the applicable rate as determined by the Greenville County Solid Waste Division. Quantities of waste or tires in excess of the amount specified above must be transported directly to the county operated landfill for disposal.

(2) Commingled wastes eligible for a tipping fee shall be charged at the highest applicable rate and no fees shall be prorated.

(b) *Fee structure.* A dedicated county-wide millage, set annually during the budget process, will be used to fund the solid waste disposal programs. Cost of residential solid waste disposal for all residents of Greenville County will be serviced by the dedicated millage. The applicable tipping fees are as follows:

(1) ~~Seventeen dollars per ton~~ The applicable fee for all domestic waste (applicable only to commercial haulers as specified) shall be established during the budget process;

(2) ~~Thirty dollars per ton~~ The applicable fee for all commercial, industrial, yard ~~trash waste~~, white goods, alkaline stabilized biosolids and grit and screenings debris, and all other wastes not otherwise provided for herein (applicable only to commercial haulers as specified) shall be established during the budget process;

(3) ~~Twenty-six dollars per ton~~ The applicable fee for all construction and demolition debris (applicable to both householders and commercial haulers) shall be established during the budget process;

(4) ~~Fifty-five dollars per ton~~ The applicable fee for all municipal wastewater belt press sludge and nonstabilized grit and screening debris shall be established during the budget process;

(5) ~~Seventy-five dollars per ton~~ The applicable fee for all waste requiring special handling and disposal techniques or waste which contains levels of toxicity characteristic contaminants which exceed the chronic toxicity reference level but are less than the regulatory level shall be established during the budget process. Waste included in this category shall include, but not be limited to, precompressed and high density materials such as sludges (not including municipal wastewater sludges), dust, bailed goods, plastic rolls, mulch, textile waste, stumps, and other

special commercial or industrial wastes requiring approval for disposal from the Greenville County solid waste department; and

(6) ~~Seventy-five dollars and fifty cents per ton~~ The applicable fee for all tires for which no disposal fee has been paid pursuant to S.C. Code, § 44-96-170 shall be established during the budget process. This disposal or tipping fee shall also apply to all waste tires, heavy equipment tires, and oversized tires that have a greater diameter than the largest tire with a Department of Transportation number. Greenville County hereby requires fleets to provide documentation for proof of purchase on in-state tires. For tires not included in documentation, an additional fee as established by the Solid Waste Division shall be charged. This disposal or tipping fee shall further apply to all waste tires manufactured in the State of South Carolina for which no state tire disposal fee has been paid. There shall not be any disposal or tipping fee on waste tires generated within the county. Documentation for proof of purchase on tires generated within the county may be required.

(c) *Amendment.* The above-referenced tipping fees may be amended in the annual budget ordinance.

Sections 9-41-9-47-9-48. Reserved.

Section 9-48. Permits for Haulers.

~~—All private and municipal haulers that deposit waste in any waste facility owned or operated by Greenville County shall be required to register with the county and obtain a permit for \$35 which permit shall be renewed annually. Permitted haulers shall identify the numbers of residential, small business, commercial, and industrial units serviced on a quarterly basis and shall provide such other information and at such intervals as deemed necessary by the solid waste department for proper maintenance and operation of the county landfills.~~

Section 9-49. Prohibition.

It shall be unlawful for anyone to deposit a waste load at a Greenville County Solid Waste Facility without first separating the following controlled materials:

<i>Controlled Materials</i>	<i>Effective Dates</i>
(1) Waste tires	November 27, 1992
(2) Used oil	November 1, 1991
(3) Lead acid batteries	May 27, 1991
(4) <u>Yard trash-waste</u>	August 27, 1992
(5) White goods	May 27, 1994

On or after the above effective dates, anyone depositing a waste load at a Greenville County Solid Waste Facility without first separating those controlled materials listed above shall be assessed an additional fee of ~~\$150 per ton, or \$37.50 per cubic yard~~ as determined by the

Greenville County Solid Waste Division. In addition to any additional fees imposed and any normal disposal fees associated with the waste load, all violators will be required to separate the controlled materials listed above from the waste load deposited at a Greenville County Solid Waste Facility. Anyone who refuses to separate these controlled materials from the waste load deposited at a Greenville County Solid Waste Facility shall, in addition to any additional fees imposed and any normal disposal fees associated with the waste load be responsible for all expenses incurred in removing such controlled materials from the waste load and disposing of such controlled materials in a proper manner.

Section 9-50. Reserved.”

Section 2. Severability clause. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Effective date. This Ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS ____ DAY OF _____, 2019.

ATTEST:

Regina McCaskill
Clerk to Council

Herman G. Kirven, Jr., Chairman
Greenville County Council

Joseph M. Kernell
County Administrator