Appendix G - Landfill Ordinance

Note: Anything now or hereafter contained in this Ordinance that is contrary to or preempted by state or federal laws, rules or regulations is hereby declared to be void insofar as it is so contrary or preempted.

G-1 PURPOSE

The purpose, intent, and objective of this Ordinance is to:

(1) Promote the health, safety, and general welfare of the citizens of the Town of Siler City,
(2) Preserve the natural scenic beauty of the Town of Siler City,
(3) Protect the public from health nuisances and safety hazards by controlling vectors, concentrations of volatile or poisonous materials, and sources of danger to children,
(4) Regulate the development of landfills within the Town of Siler City,
(5) Establish reasonable and uniform regulations to prevent the deleterious location and concentration of landfills within the Town of Siler City, and
(6) The provisions of this ordinance have neither the purpose nor effect of imposing an unreasonable limitation or restriction on the development of landfills.

G-2 DEFINITIONS

(1) Health or Safety Nuisance – Any solid waste or other materials that are accepted in landfills may be declared a health nuisance or safety hazard when it is found to be:

   a. A breeding ground or harbor for mosquitoes or other insects, snakes, rats, or other pests; or
   b. A point of collection for pools or ponds of water; or
   c. An unsafe concentration of gasoline, oil or other flammable or explosive materials; or
   d. So located that there is a danger of the materials falling or turning over without assistance; or
   e. A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside; the over turning of heavy items; or
   f. An unsafe concentration of materials that pose either a hazard of immediate or long-term environmental degradation.

(2) Operator – Any person, including the owner, who is principally engaged in, and is in charge of, the actual operation, supervision, and maintenance of a solid waste management facility and includes the person in charge of a shift or periods of operation during any part of the day.

(3) Ordinance Administrator - The Town Manager or his/her designee.

(4) Town of Siler City – The areas located within the Town’s corporate limits and extraterritorial jurisdiction (ETJ).
G-3  CONDITIONAL USE REZONING REQUIRED

All landfill developments within the Town of Siler City shall require a conditional use rezoning issued by the Board of Commissioners pursuant to the normal conditional use rezoning process.

G-4  SUPPLEMENTARY USE REGULATIONS

(1) In addition to other requirements of this Ordinance, the applicant must submit with its application for a conditional use rezoning, the information required by this section.

(2) The application must demonstrate how the applicant and the landfill operation will comply with all State and federal regulations.

(3) All landfills must be located on one (1) lot or parcel, only. Recombination plats are required if the proposed landfill site consists of more than one lot or tract of record.

(4) Vehicular access must be provided from a public maintained road. All access roads shall be paved and meet the paving standards as provided in the UDO. Grass drainage swales must be installed.

(5) The following must be submitted with the conditional use rezoning application.

   a) Ten (10) complete copies of the application must be submitted for staff review.
   b) Describe and/or illustrate how all of the above requirements will be met.
   c) Describe and/or illustrate how all State requirements will be met.
   d) Identify the geographic area to be served by the proposed landfill.
   e) State the expected daily volume of waste expected at the proposed landfill and state the estimated useful life (i.e., how long until the site will reach design capacity) of the proposed landfill.
   f) The following should be provided for the subject property:
      i. Site plan detailing size, dimensions, type, and location of fill area, roads, access, structures, property lines, utilities, lighting, setbacks, buffers etc.
      ii. Visual impact analysis. Side elevation illustration of landfill including surrounding trees and development at the point of completion. Views from public roads, private roads, residences, and other buildings shall be illustrated through graphics showing topographic sections in the affected areas and through photographs. Provide view shed to reduce and/or eliminate the visual impact.
      iii. Buffer areas shall be illustrated on a site plan. Screening and landscaping shall be shown on a plan and illustrated to show how the requirements will be fulfilled by specifically identifying dimensions, varieties, timing, and other specifications.
      iv. Illustration of depth of holes (cells) and proximity to water table.
      v. Tree survey identifying all trees over twelve (12) inches in diameter (measured three foot up from the ground).
      vi. Topography map with contours in five foot intervals.
vii. Total impervious surface coverage both existing (pre-development) and as proposed.
viii. The number and location of cells/ fill areas.
ix. Grading, stormwater, and erosion plans.
x. Original elevation, proposed excavation, and proposed final elevations.
xi. Wetland study.
g) The following should be provided for the subject property and within a two thousand (2,000) foot radius of the subject property boundary lines:
   i. Surveys of the existing and proposed population, land use, description of geographic area, and all water wells. Relevant considerations are zoning, character of surrounding area, and the actual uses surrounding the proposed development.
   ii. Aerial photograph of existing conditions.
   iii. Environmental impact study.
   iv. Hydrology, geology, soil, water table, streams, rivers, and surface water flow surveys, including drainage ditches.
   v. Nearest watershed boundary
   vi. Floodplain and floodway boundaries including base flood elevations
   vii. Location of nearest public water and sewer lines.
   viii. Address impact on adjacent property values by submitting a written report from a State of North Carolina certified appraiser indicating that there is no significant, detrimental effect on property values caused by the development of the proposed landfill. The appraiser must posses an expertise in the field of property valuation.
   h) Provide the following information:
      i. Vector control plan.
      ii. The quantity of waste generated and estimated to be generated. A description of the volume and characteristics of the waste. Type, source, and quantity of waste to be accepted.
      iii. History and track record of the applicant. Location and type of other existing and proposed landfill facilities.
      iv. Traffic impact analysis. Provide expected number of trucks entering and exiting landfill on a daily basis. Provide the expected type of vehicles, including size. Impact of heavy trucks. Describe the route(s) within the Town and/or its extraterritorial jurisdiction, which the vehicles are expected to use to access the proposed landfill. Demonstrate the adequacy of existing routes and/or requirement for new routes. Demonstrate efforts taken to reduce mud, dirt, debris, etc. on adjoining roadways. Provide recommendations.
      v. A projection on the useful life of the landfill.
      vi. Provide the projected use of land after completion of the landfill. A site plan showing final proposed topography, landscaping, ground cover, drainage, and structures.
      vii. Hours of operation.
G-5  BOARD APPROVAL

The presumptions established by this ordinance are that all landfills must comply with the standards of this ordinance. However, this ordinance is only intended to establish a presumption and should be flexibly administered.

G-6  INSPECTION

The permit holder and/or licensee shall permit representatives of the Planning Department, Building Inspections Department, or any other Town, County, State, Federal departments or agencies to inspect the premises of a landfill for the purpose of insuring compliance with the law, at all reasonable times.

G-7  INJUNCTION

A firm, corporation, company, etc. who operates or causes to be operated a landfill without valid approval is subject to a suit for injunctive relief.