

**ORDINANCE NO. 17-01**

CHAPTER 50: SOLID WASTE DISPOSAL

Section

- 50.1 Definitions
- 50.2 Applicability of federal and state laws
- 50.3 Storage and disposal
- 50.4 Deleted
- 50.5 Boxsite ordinances, solid waste receptacles, and disposal of solid waste
- 50.6 Deleted
- 50.7 Illegal storage, collection, and disposal of solid waste
- 50.8 Abatement of public nuisances
- 50.9 Administration and enforcement

50.99 Penalty

**50.01 DEFINITIONS.**

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BULKY WASTE.*** Large items of solid waste such as furniture, large auto parts, trees, branches, stumps, and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.

***COLLECTION.*** The act of removing solid waste or materials that have been separated for the purpose of recycling to a transfer station, processing facility, or disposal facility.

***COMMERCIAL SOLID WASTE.*** All types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial waste: provided, that this definition is also applicable to places of residence having three or more dwelling units such as apartment buildings and mobile home courts.

***COMMERCIAL SOLID WASTE COLLECTOR.*** Any person, firm, corporation, or other entity, engaged in whole or part, in the collection, transportation, delivery, or disposal of solid waste generated within Davidson County, (service area), including any such entity engaged in such activities with respect to solid waste generated by others for profit and/or hire.

***COMPOST.*** A humus-like solid waste resulting from the biological decomposition of organic materials.

***CONSTRUCTION AND DEMOLITION WASTE.*** Solid waste resulting solely from construction, remodeling, repair, or demolition, operations on buildings or other structures, but does not include inert debris, land-clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete,

***COUNCIL.*** The Town Council of the Town of Midway.

**COUNTY.** The County of Davidson, North Carolina.

**DEPARTMENT.** The Department of Environment, Health, and Natural Resources.

**DISPOSAL.** The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

**DIVISION.** The Director of the Division of Solid Waste Management of the North Carolina Department of Environment, Health, and Natural Resources, or the Director's authorized representative.

**GARBAGE.** All putrescible solid waste, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.

**HAZARDOUS WASTE.** A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

(a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

(b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**INCINERATION.** The process of burning solid, semisolid, gaseous, or any other combustible wastes to an inoffensive gas and a residue containing little or no combustible material.

**INDUSTRIAL PROCESS WASTE.** Solid waste resulting from an industrial or manufacturing process which may be disposed of at the county landfill after demonstrating its nonhazardous status through analysis, or by other means. Includes, but is not limited to, sandblasting grit, contaminated food products, ash, and dust.

**INDUSTRIAL SOLID WASTE.** Solid waste generated by manufacturing or industrial processes that is not hazardous waste.

**INERT DEBRIS.** Solid waste which consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.

**INFECTIOUS WASTE.** Solid waste capable of producing or transmitting an infectious disease. The types of waste designated as infectious are microbiological waste, pathological waste, blood products, and sharps. The term "infectious waste is included in the term "medical waste."

**INSTITUTIONAL SOLID WASTE.** Solid waste generated by educational, health care, correctional, and other institutional facilities. Also, including materials originated from services offered on behalf of the public, e.g. nursing homes, jails, and schools.

**LAND-CLEARING DEBRIS.** Solid waste which is generated solely from land-clearing activities.

**MEDICAL WASTE.** Any solid waste which is generated in the diagnosis, treatment, immunization of human beings, or animals in research pertaining thereto, or in the production or testing of biological materials, but does not include any hazardous waste identified or listed pursuant to this chapter, radioactive waste or household waste as defined in 40 C.F.R. § 261/4(b)(1) in effect on 1 July 1989, or those substances excluded from the definition of **SOLID WASTE**.

**MUNICIPAL SOLID WASTE.** Any solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. **MUNICIPAL SOLID WASTE** does not include hazardous waste, sludge, industrial waste managed in a solid waste management facility owned and operated by the generator of the industrial waste from management of that waste, or solid waste from mining or agricultural operations.

**NON PROCESSABLE SOLID WASTE.** All solid waste other than hazardous waste, which could impair the operation or capacity of the disposal system or cause potential or actual injury to the county's employees and/or contractors, but which is capable of being disposed of by sanitary landfill, including, but without being limited to, furniture, bedding, white goods, metal cable, gypsum board, bricks and blocks, concrete industrial process waste, asphalt materials, liquid wastes including sludge from water or waste water treatment plants, petroleum products, metal (other than containers), tree stumps, logs, brush, pallets, and other scrap wood and construction debris.

**OPEN BURNING.** Any fire wherein the products of combustion are emitted directly into the outdoor atmosphere and are not directed thereto through a stack or chimney, incinerator, or other similar devices.

**OPEN DUMP.** Any facility or site where solid waste is disposed of that is not a sanitary landfill and that is not a facility for the disposal of hazardous waste, i.e. a solid waste disposal site that does not have a permit, and/or does not comply with the rules set forth in the North Carolina Solid Waste Management Rules, 15A NCAC 13b.

**PATHOLOGICAL WASTE.** Solid waste made up of human tissues, organs, and body parts, and the carcasses and body parts of any animals that were known to have been exposed to pathogens that are potentially dangerous to humans during research, were used in the production of biologicals or in vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.

**PERSON.** An individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

**PLANNING DIRECTOR.** The Director of the Davidson County Planning Department or the Director's authorized representative or designee.

**PLASTIC BAG.** A polyethylene or other heavy-duty plastic bag meeting the National Sanitation Foundation standard of 1.5 mils and not exceeding 30 gallons capacity with a securing twist tie.

**PREMISES.** A definite portion of real estate including its appurtenance, a building, or part of a building.

**PROCESSING.** Any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport; amendable to recovery, storage or recycling; safe for disposal; or reduced in volume or concentration.

**PUTRESCIBLE.** Solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal, and animal carcasses.

**RADIOACTIVE WASTE.** Waste containing any material, whether solid, liquid, or gas, that emits ionizing radiation spontaneously.

**RECYCLABLE MATERIAL.** Those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

**RECYCLING.** Any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed, and reused or returned to the use in the form of raw materials or products.

**REFUSE.** All non-putrescible wastes. Solid waste, other than garbage and ashes, from residence, commercial establishments, and institutions.

**RESIDENTIAL WASTE.** Solid waste originating from private households (private single-family homes and apartments, condominiums and the like, not institutional residential facilities). Solid waste from a place of residence having three or more dwelling units is defined as **COMMERCIAL SOLID WASTE.**

**RESOURCE RECOVERY.** The process of obtaining material or energy resources from discarded solid waste that no longer has any useful life in its present form and preparing the solid waste for recycling.

**SANITARY LANDFILL.** A facility for disposal of solid waste on land in a sanitary manner in accordance with the Solid Waste Management Rules 15A NCAC 138 adopted by the Division of Solid Waste Management of the North Carolina Department of Environment, Health, and Natural Resources and Solid Waste Management Law, Article I Part 2 remedies G.S. §§ 130A-17 to 130A-25 and Article 9, G.S. §§ 130A-290 to 130A-390.86, and as amended from time to time.

**SCRAP TIRE.** A tire that is no longer suitable for its original, intended purpose because of wear, damage, or defect.

**SEPTAGE.** Solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin that is removed from a septic tank system.

**SHARPS.** Needles, syringes, and scalpel blades.

**SLUDGE.** Any solid, semisolid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, air pollution control facility or any other waste having similar characteristics and effects.

**SLURRY WASTE.** A waste with high liquid content not easily dewatered.

**SOLID WASTE.** Any hazardous or nonhazardous waste, garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment, and disposal systems, and other material that is either discarded or is being accumulated, stored, or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. The term does not include waste that is:

(a) Fecal waste produced as a result of bona fide farming operations from fowl or animals other than humans;

(b) Solid or dissolved material in:

1. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment, and disposal systems which are designated to discharge effluents to the surface waters;

2. Irrigation return flows; and

3. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under § 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. § 143-215.1 by the Environmental Management Commission. However, any sludge that meets the criteria for hazardous waste under RCRA shall also be a *SOLID WASTE* for the purposes of this chapter.

(c) Oils and other liquid hydrocarbons controlled under G.S. Chapter 143, Article 21A. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a *SOLID WASTE* for the purposes of this chapter;

(d) Any source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011);

(e) Mining refuse covered by the North Carolina Mining Act, G.S. §§ 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. § 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a *SOLID WASTE* for the purposes of this chapter; and

(f) Recovered material.

**SOLID WASTE RECEPTACLES.** Container used for the temporary storage of solid waste while awaiting collection.

**SOLID WASTE RULES.** The regulations governing solid waste management adopted by the Solid Waste Section of the Department of Environment, Health, and Natural Resources in accordance with EPA guidelines and other federal regulations.

**SPECIAL WASTE.** Any solid waste that can require special handling and management, including white goods, whole tires, used oils, lead-acid batteries, medical waste, and appliances.

**TOWN.** The Town of Midway, North Carolina.

**USED OIL.** Any oil which has been refined from crude oil 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 is economically recyclable.

**YARD TRASH.** Solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

**WASTE REDUCTION.** The process of decreasing the quantity of materials and/or products that must be disposed.

**WHITE GOODS.** Refrigerators, ranges, water heaters, freezers, unit air conditioners, washing machines, dishwashers, dryers, and other similar domestic and commercial large appliances.

(B) The definitions set forth in G.S. § 130A-290 which are not expressly set forth in this chapter shall apply to and are hereby incorporated herein by reference to this chapter.

#### **§ 50.02 APPLICABILITY OF FEDERAL AND STATE LAWS.**

The provisions of this chapter are intended, and shall be interpreted, to be consistent with, and supplementary to, the North Carolina General Statutes, state rules, and any county ordinance, regarding solid waste. To insure the intent and interpretation, and in the event of ambiguity between the provisions of this chapter and other laws, rules, or ordinances, the stricter of the provisions shall apply. Any violation of the provisions shall also be a violation of this chapter. Penalty, see § 50.99

#### **§ 50.03 STORAGE AND DISPOSAL.**

(A) No owner, occupant, tenant, or lessee of any property may deposit, store, or permit to accumulate any solid waste on his or her property that is not stored or disposed of in a manner prescribed by this chapter.

(B) The owner, occupant, tenant, or lessee of any property shall remove or cause to be removed all solid waste from his or her property at least once each week, i.e. at least once each seven-day period.

(C) Garbage shall be stored only in a container that is durable, rust-resistant, nonabsorbent, watertight, and easily cleaned, with a close-fitting, fly-tight cover in place. Solid waste receptacles, as defined by this chapter, may be used for storage provided they meet the requirements of this section.

Each container shall be kept clean so that no odor or other nuisance condition exists.

(D) Refuse shall be stored in a manner that will resist harborage to rodents and vermin and will not create a fire hazard. Regulated refuse under this section includes, but is not limited to, lumber, boxes, barrels, bottles, cans, tires, paper, cardboard, rags, old furniture and other bulky waste, and white goods. Useful materials, such as firewood and building materials, may be stored on the premises, provided they are stored in a safe manner at a reasonable height above ground.

(E) No owner, occupant, tenant, or lessee of any building or dwelling may place or leave, or cause to be placed or left, outside the building or dwelling, any bulky waste for longer than 72 hours.

(F) No owner, occupant, tenant, or lessee of any building or dwelling may leave outside the building or dwelling, in a place accessible to children, any abandoned or unattended icebox, refrigerator, freezer, or other receptacle that has an airtight door without first removing the door.

(G) Solid waste shall be disposed of only in one of the following ways:

(1) In a landfill approved by the Division;

(2) In an incinerator that has obtained and possesses all required local, state, and federal control permits;

(3) By any other method, including recycling and resource recovery, that has been approved by the Division;

(4) A boxsite operated by Davidson County, and the solid waste receptacles at boxsites operated by the County in accordance with the provisions of applicable County ordinances, and transported to a landfill approved by the Division; and

(5) Through the Town's regular curbside waste collection and recycling program, pursuant to the laws, regulations, and ordinances relating thereto.

(H) No person may discard, dispose, leave; or dump any waste on or along any street or highway or on public or private property unless the solid waste is placed in a receptacle or at a location designated for the deposit of solid waste.

(I) No person shall intentionally throw, scatter, spill, place, cause, or allow to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon any public property or private property not owned by the violator within the Town or into the waters of the Town including, but not limited to, upon any public highway, public park, lake, river, stream, campground, forest land, recreational area, mobile home park, highway, road, street, or alley; the occurrence of any of the foregoing acts resulting from transporting solid waste in a vehicle shall constitute a violation.

(J) No person shall receive, store, cover, or otherwise accept for dumping or disposal on property, any solid waste not generated on the property owned or occupied by the person, except as herein authorized.

(K) Nothing in this chapter is intended to authorize the disposal of solid waste in any manner prohibited by federal or state laws.

(L) Construction wastes must be disposed of at disposal sites approved and permitted by the Division.

(M) Regulated medical, hazardous, and radioactive waste must be disposed of according to written procedures approved by the Division.

(N) Any person collecting and transporting solid waste generated on the person's property for disposal at an approved disposal site must transport the solid waste as follows: solid waste must be covered and the vehicle and container used for collection and transportation of the solid waste shall be covered, leak-proof, durable, and easily cleaned.

(O) All sharps shall be placed in a sealed, puncture-proof container prior to disposal.

(P) Open burning of any material is prohibited.

(Q) A person operating or having operated an open dump for disposal of solid waste or a person who owns land on which an open dump is or has been operating shall immediately close the site in accordance with 15A NCAC 13B §.0502.

(R) No person shall bury any waste in earth or submerge any waste in water unless expressly permitted by this chapter or applicable federal and state law and regulations. Penalty, see 50.99.

#### **50.04 Landfill Management. Deleted**

#### **§ 50.05 BOXSITE ORDINANCES, SOLID WASTE RECEPTACLES, AND DISPOSAL OF SOLID WASTE.**

(A) Solid waste receptacles are maintained at boxesites throughout the county for the convenience of county residents, owned or leased by the county. Except as otherwise provided in this section, disposal of solid waste at boxesites shall be permitted and regulated in the same manner as disposal of solid waste at the Davidson County landfill and only in accordance with the provisions of this chapter.

(B) The following wastes may not be deposited in solid waste receptacles:

(1) Asbestos\*\*;

(2) Burning or smoldering materials, ashes, or any other materials that would create a fire hazard;

(3) Commercial waste;

(4) Construction waste;

(5) Hazardous waste;

(6) Industrial waste\*;



- (7) Institutional waste\*;
- (8) Lead-acid batteries\*\*\*;
- (9) Liquid waste;
- (10) Radioactive waste;
- (11) Regulated medical waste;
- (12) Tires\*\*;
- (13) Used oil\*\*\*;
- (14) White goods\*\*;
- (15) Yard waste;
- (16) Sludges;
- (17) Barrels\*\*;
- (18) Sharps not properly contained;
- (19) Bulky wastes other than furniture\*;
- (20) Large animal carcasses (50 pounds or more) \*;
- (21) Scrap metal\*\*, and
- (22) Aluminum cans\*\*\*.

Asterisk Meanings:

\* May be taken to the county landfill

\*\* May be taken to the county landfill on a conditional basis

\*\*\* May be taken to the county landfill or to selected boxsites on a conditional basis

(C) Solid waste intended for disposal at boxsites (solid waste receptacle) shall be in plastic bags or suitable containers and deposited inside the receptacle. No solid waste may be left at the boxsite outside of the boxsite receptacles.

(D) No person may remove any item from a solid waste container, solid waste receptacle, climb on or into a container receptacle, or damage any container receptacle at a boxsite.

(E) No solid waste collectors shall deposit waste at county boxsites in solid waste receptacles provided and maintained by the county.

(F) No person shall deposit solid waste in a boxsite (solid waste receptacle) provided and maintained by Davidson County, unless the person is a resident of Davidson County or owns property in Davidson County and is depositing approved waste as defined in this chapter, from the property in Davidson County. Any person that desires to deposit solid waste in a boxsite (solid waste receptacle) may be required to present identification and/or verification that the person is authorized to so deposit the waste pursuant to the provisions of this chapter. The identification shall be presented to any employee of the county designated to control the boxsite (solid waste receptacle) sites or any individual placed in control of the boxsite (solid waste receptacle) by virtue of contract or agreement with the county.

(G) No solid waste generated outside the boundaries of Davidson County may be deposited at a boxsite (solid waste receptacle) provided and maintained by the county.

(H) No person shall go upon or remain on the premises of real property on which a boxsite (solid waste receptacle) is located, provided, and maintained by the county, except to dispose of solid waste pursuant to the terms and provisions of this chapter. Any person that goes upon and remains at a boxsite (solid waste receptacle site) except to dispose of solid waste as permitted by this chapter shall be considered a trespasser. The Director shall place, or cause to be placed, an appropriate sign at conspicuous places at the boxsite to give notice of the prohibition set forth in this section.

(I) Brown goods may be disposed of in the open top boxes solid waste receptacles at the boxsites at reasonable times as set by the Director. Penalty, see § 50.99

#### **50.06 SEPARATION OF RECYCLED MATERIALS. DELETED.**

#### **§ 50.07 ILLEGAL STORAGE, COLLECTION, AND DISPOSAL OF SOLID WASTE.**

(A) The storage, collection, and disposal of solid waste within the area of jurisdiction of this chapter in a manner not permitted by this chapter, or state and federal laws and regulations is prohibited. A violation of this chapter shall subject the offender to criminal prosecution, assessment of a civil penalty, or other legal action as more particularly set forth in this chapter.

(B) Littering within the area of jurisdiction of the Town in violation of this chapter is prohibited. A violation of this section shall subject the offender to criminal prosecution, assessment of a civil penalty, or other legal action as more particularly set forth in this chapter.

(C) No person shall place, solicit, or knowingly permit the placing of solid waste on property which a person owns or leases, unless the solid waste is generated on the premises and stored as provided in this chapter or unless the property has been approved as a solid waste disposal site pursuant to this chapter or the laws and regulations of the state. A violation of this section shall subject the offender to criminal prosecution, assessment of a civil penalty, or other legal actions as more particularly set forth in this chapter.

(D) By the authority of the provisions of G.S. 160A-193 the unlawful storage, accumulation, or presence of solid waste on public or private property in the area of jurisdiction of this chapter in an amount exceeding 50 pounds or 100 cubic feet is

hereby claimed and declared, subject to the limitations set forth in G.S. Chapter 106, Article 57, to be a public nuisance. The public nuisance shall be abated as provided in this chapter. Penalty, see 50.99.

#### **§ 50.08 ABATEMENT OF PUBLIC NUISANCES.**

(A) Upon reasonable cause to believe that a public nuisance as defined in § 50.07, exists, the Planning Director, upon not less than ten days' notice to the occupant and owner of the property on which the alleged nuisance is located, shall hold a hearing to determine whether or not the nuisance does, in fact, exist. If the Planning Director makes a determination that a public nuisance exists, he or she shall enter and serve upon the owner and occupant an order to remove, abate, or remedy the nuisance within a reasonable period of time, but not less than 90 days. The order may be appealed by the owner or occupant to the General Court of Justice of the State of North Carolina, Superior Court Division, by a petition for review filed with the court no later than ten days following service of the order. Such an appeal tolls the running of the time provided to remove, abate, or remedy the nuisance, unless the court determines that the appeal was made frivolously as provided in G.S. 1A-1, Rule 11 of the North Carolina Rules of Civil Procedure, or was otherwise made in violation of that Rule

(B) Upon failure of the owner or occupant of the property or of the person responsible for placing the solid waste on the property to remove, abate, or remedy the nuisance within the period has allowed in the order, the Planning Director shall remove, abate, or remedy the nuisance as provided in the order and charge the cost thereof to the owner and occupant. If the expense is not paid by the owner or occupant, it shall be a lien upon the land or on premises where the nuisance arose and shall be collected as unpaid taxes.

#### **§ 50.09 ADMINISTRATION AND ENFORCEMENT.**

The Council authorizes that the Planning Director shall be vested for administration and enforcement of this ordinance. Further, the Council authorizes that the Davidson County Planning Department may employ individuals to operate as, among other positions, Solid Waste Enforcement Officers, who shall have the authority and duty to perform inspections, issue citations, assess penalties, and take enforcement actions subject to the direction and designation of the Planning Director on behalf of the Town of Midway.

#### **§ 50.99 PENALTY.**

(A) The Town may exercise remedies for violation of any provision of this chapter as allowed and authorized by G.S. 160A-175 provides that violation of a municipal ordinance is a misdemeanor, that the Town may levy a civil penalty for violations, and that the ordinance may be enforced by equitable remedies such as injunction or by criminal process as such as injunction or as any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor as described in G.S. § 14-4 or may be prosecuted pursuant to G.S. § 14 -399 if applicable. Under G.S. § 14-4, each day's continuing violation shall be a separate and distinct offense.

(B) A citation may be issued to any person if there is probable cause to believe that the person has violated any provision of this chapter. Citations so issued may be served upon the violator in person by the Planning Director or mailed to the person by certified mail if the person cannot be readily found. Any citation so served or mailed shall direct the violator to make payment of the fine on or before a specified day and hour to the Davidson County Finance Department and to present evidence of the

remedy of any violation of this chapter within a period of not less than 72 hours after service or delivery to the violator to the Davidson County Planning Department. If served by certified mail, the violator shall have six days after the return receipt date to respond to the citation. Appeals from any citation or order may be addressed in writing to the Planning Director within the above mentioned time frames.

(C) If the violator does not respond to the citation, the Planning Director shall forthwith proceed with enforcement remedies as described in G.S. 160A-175 or criminal sanctions as described in G.S. § 14-4 or 14-399 against the person.

(D) A warning may be issued by the Planning Director without fine when the officer is of the opinion that a violation of this chapter may be remedied without the necessity of prosecution; however, a warning citation may not be issued in the case where public health and/or safety are endangered.

(E) Civil penalties for any violation of this chapter are as follows:

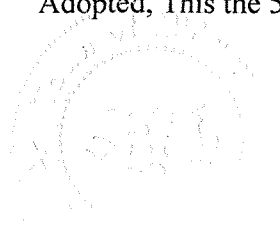
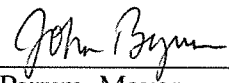
- (a) First offense: \$75;
- (b) Second offense: \$200; and
- (c) Third offense: \$300.

(d) A citation may be issued for multiple violations and the violator assessed the sum of the penalties for each offense.

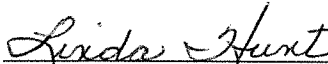
(F) A civil penalty of \$500 may be assessed for a flagrant and willful violation. A violation may constitute grounds for the Planning Director to seek injunctive relief.

Effective Date: This Ordinance shall become effective upon adoption.

Adopted, This the 5<sup>th</sup> day of June 2017.

  
  
\_\_\_\_\_  
John Byrum, Mayor  
Town of Midway Council

Attested to:

  
\_\_\_\_\_  
Linda Clerk  
Town of Midway