AGENDA
Catawba County Board of Commissioners Meeting
Monday, November 2, 2026, 7:00 p.m.
Board of Commissioners' Meeting Room, 2nd Fl.
Catawba County Justice Center
100 Government Drive, Newton, NC

1. Call to Order.

2. Pledge of Allegiance to the Flag.

3. Invocation.

4. Approval of the Minutes from the Board's Regular Meeting and Closed Session of October 19, 2026.

5. Recognition of Special Guests.

6. Public Comments.

7. Appointments.

8. Presentations.
   Proclamation in Observance of Operation Green Light in Support of Veterans. *Presented to Veterans Services Officer Rebecca Mattison.*

9. Public Hearings.
   a. 2027 Schedule of Values. *Presented by Tax Administrator Brian Myers.*
   b. C-PACE – Resolution of Participation. *Presented by Economic Development Partnership of North Carolina's Kristin Bunn.*
   c.Project Sandstone: Utili-Serve Economic Development Agreement. *Presented by Economic Development Corporation Economic Development Specialist Kimberly Propst.*

10. Consent Agenda.
    a. Budget Amendment: Public Health Care Management Restricted Revenues.
    b. American Rescue Plan Act (ARPA) Grant Ordinance Revision.
    c. Solid Waste Ordinance Revision (Second Reading).

11. Other Items of Business.

12. Manager's Report.

13. Attorney's Report.

14. Adjournment.

PERSONS WITH DISABILITIES: Individuals needing assistance should contact the County Clerk at 828-465-8990 within a reasonable time prior to the meeting. Participation in public meetings is without regard to race, ethnicity, religion, sex, age, or disability**.**

CALENDAR: The next Board of Commissioners Meeting will take place on Monday, November 16, 2026, at 7:00 p.m., in the Board of Commissioners Meeting Room of the Catawba County Justice Center.

APPOINTMENTS

ROBERT (Due)	**Catawba Valley Medical Center**	
12/31/26	**Debra Bechtel**	Eligible-First Full Term
12/31/26	**Summer McGee** (Brent Fidler)	Eligible for 1st Term
12/31/26	**Randy Isenhower** (Knox Tate)	Eligible for 1st Term

Commissioner Abernethy recommends the following appointments to the Catawba Valley Medical Center Board of Trustees: Debra Bechtel to a first full term; Summer McGee and Randy Isenhower to first terms, beginning January 1, 2027, with term expirations of December 31, 2030.
4-year terms

Government of Catawba County, North Carolina

PROCLAMATION

Supporting Operation Green Light for Veterans
November 4-11, 2026

WHEREAS, the residents of Catawba County have great respect, admiration, and the utmost gratitude for the men and women who have selflessly served our country and this community in the Armed Forces; and

WHEREAS, the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, Catawba County seeks to honor these individuals who have paid the high price for freedom by placing themselves in harm's way for the good of all; and

WHEREAS, veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and serving as County Veteran Service Officers in 29 states to help fellow veterans access over $52 billion in federal health, disability and compensation benefits each year; and

WHEREAS, approximately 200,000 service members transition to civilian communities annually, and that number is expected to increase significantly in the future; and

WHEREAS, studies indicate service members experience high levels of stress during transition from military to civilian life; and

WHEREAS, the National Association of Counties encourages all counties, parishes and boroughs to recognize Operation Green Light for Veterans; and

WHEREAS, Catawba County appreciates the sacrifices of our United State Military Personnel and believes specific recognition should be granted.

NOW, THEREFORE, THE CATAWBA COUNTY BOARD OF COMMISSIONERS, does hereby declare November 4th through November 11th 2026 a time to salute and honor the service and sacrifice of our men and women in uniform transitioning from Active Service, and in observance of **Operation Green Light**, Catawba County encourages its citizens in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying a green light in a window of their place of business or residence.

This the 2nd day of November, 2026.

_____

Randy Isenhower, Chair
Catawba County Board of Commissioners

MEMORANDUM

TO: Catawba County Board of Commissioners
FROM: Brian S. Myers, Tax Administrator
DATE: November 2, 2026
SUBJECT: 2027 Schedule of Values

REQUEST:
Staff requests the Board of Commissioners hold a public hearing to consider adoption of the proposed Schedule of Values, Standards and Rules for the 2027 Property Revaluation as prescribed by North Carolina General Statute §105-317.

BACKGROUND:
Pursuant to a resolution adopted by the Board of Commissioners on September 18, 2023, Catawba County's next countywide revaluation will become effective January 1, 2027. Catawba County has approximately 95,000 parcels of land, all of which are required by state law to be appraised at 100% of market value as of the effective date of the revaluation.

To that end, staff has worked for many months analyzing data derived from qualified real estate sales, building cost data, and income and expense statements from income-producing properties in the County. This has culminated in the formulation of a proposed Schedule of Values, Standards, and Rules to be utilized to generate market value appraisals for all real property in Catawba County.

The Schedule of Values is a set of standards and rules used as an appraisal manual by County staff to assure properties are valued in an accurate and consistent manner. The schedule contains information on methods used to determine land and building values based upon criteria such as location, age, type of construction, zoning, income potential, cost, etc.

Also included in the proposed Schedule of Values is a special schedule for appraising eligible agricultural, horticultural, and forestland at its "present use" value. This schedule is a statewide schedule formulated by the North Carolina Department of Revenue. Properties whose owners qualify for "present use" assessment will receive two values: a market value mandated by law and a "present use" value.

The first step in the 2027 Revaluation process occurred on October 5th, when the Proposed Schedule of Values was submitted to the Board of Commissioners and a public hearing was set for November 2, 2026. In compliance with state statute, on October 6, 2026, the County published a statement publicizing the proposed Schedule of Values' submittal to the Board of Commissioners and availability for public inspection.

Staff recommends the Board of Commissioners conduct a public hearing to receive comments on the proposed Schedule of Values before considering it for adoption at the upcoming November 16, 2026 meeting. There is no action requested of the Board of Commissioners following the public hearing.

The attached presentation lays out additional details about the upcoming revaluation process, and staff will provide periodic updates in the coming months based on this timeline.

RECOMMENDATION:
Staff requests the Board of Commissioners hold a public hearing to consider adoption of the proposed Schedule of Values, Standards and Rules for the 2027 Property Revaluation as prescribed by North Carolina General Statute §105-317.

catawba county
MAKING. LIVING. BETTER.

2027 Property Reappraisal Schedule, Standards and Rules

Brian S. Myers
Catawba County Tax Administrator
November 2, 2026

2027 Real Property Reappraisal

- **Reappraisal** is the **process of updating Catawba County's real property values to reflect fair market value** as of January 1, 2027.
- **Required** by N.C.G.S. 105-286 at least once **every eight years**.
- **Catawba County** has been on a **four-year reappraisal cycle** since 2007.
- The last countywide reappraisal was conducted 4 years ago, with an effective date of January 1, 2023.



2027 Real Property Reappraisal

- **Real property** is **appraised at 100% market value** at the time of a county-wide revaluation. Data is reviewed from the most recent qualified sales leading up to the reappraisal date.
- The **Schedule of Values** is a manual to describe the **methodology and procedures for appraising real estate at market value** at the time of the county's most recent general reappraisal.
- To reappraise all parcels, the county uses **mass appraisal,** the process of **grouping uniform or similar properties together to ensure fair and equitable property values.**

2027 Schedule Standards and Rules Timeline

The Legal Process (N.C.G.S. § 105-317)



The Assessor must submit the proposed SOV at least 21 days before this hearing. After adoption, the Board's Order must be published for four consecutive weeks, with the last publication at least 7 days before the deadline to appeal the Schedule's validity.

2027 Reappraisal Value Notice

The property value notice does not establish a property's tax bill;

it is only part of the equation.



Next Steps After Tonight

- **November 16 -** Board of Commissioners considers adoption of the schedule of values at its regular board meeting.
- **Early December -** Public information campaign kickoff (informational videos, social media posts, etc.)
- **January -** Tax staff will present final property value information to the Board of Commissioners prior to sending value notices.
- **Early February –** Mail property value notices
- **February through Early April –** Tax staff work with citizens to answer questions and hear informal appeals.
- **April –** Board of Equalization and Review begins meeting and hearing formal appeals.

Requested BOC Action

Conduct a public hearing, as advertised and in accordance with North Carolina General Statutes, regarding the 2027 Schedule of Values, Standards and Rules.

MAKING LIVING BETTER

Thank You

Questions and Comments Welcome
Catawba County Tax Department

MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Adam Lindsay, Assistant County Manager

DATE: November 2, 2026

SUBJECT: NC C-PACE Program – Resolution of Participation

REQUEST

Staff requests the Board of Commissioners conduct a public hearing to consider adoption of the attached resolution declaring Catawba County's participation in the Commercial Property Assessed Capital Expenditure (C-PACE) Program. .

BACKGROUND

The NC Commercial Property Assessed Capital Expenditure (C-PACE) Program offers long-term private financing for commercial property upgrades in energy, water, and resiliency improvements. Established by the General Assembly in 2024 through Senate Bill 802, c-PACE is administered by the Economic Development Corporation of NC. The program creates an additional financing tool for property owners to use private funds to finance improvements to eligible properties, supporting economic development by helping building owners make major building improvements, refinance / recapitalize after improvements, construct new buildings, and drive jobs and investment.

A C-PACE loan is secured by a voluntary senior lien on the property imposed by the local government at the property owner's request, paid back over time. The security of the C-PACE lien enables capital providers to offer C-PACE financing which spreads the cost of qualifying improvements over the useful life of the measures, a term generally lasting between 20-30 years. Except for executing documents needed for C-PACE financing, there is no other necessary administrative involvement by the local government.

Properties eligible for C-PACE financing include any privately-owned commercial, industrial, agricultural, or multi-family real property with five or more dwelling units. This includes properties owned by nonprofits, charitable, or religious organizations. Qualifying improvements include:

- Energy efficiency measures – projects that reduce energy use and increase efficiency.
- Resiliency measure – projects that increase environmental resiliency, including storm retrofits, flood mitigation, and stormwater management.
- Renewable energy measures – projects that utilize renewable energy sources.
- Water conservation measures – projects that decrease water consumption or demand, and that address safe drinking water.

The total C-PACE financing amount is limited to 35% of the property's expected stabilized value with the proposed qualifying improvements installed. Payments are non-accelerating, and there is a 3-year look-back period for eligible expenses.

A list of participating NC local governments through August 2026 is included for reference. Catawba County's participation extends the program benefits to the municipalities. Joining the program is a voluntary 3-step process, involving adoption of a resolution of intent to participate, holding a public hearing, and adopting a final resolution to join C-PACE. The Board of Commissioners adopted the Resolution of Intent to Participate on October 19, 2026. The second and third steps of the process are before the Commission this evening for its consideration.

Ms. Kristin Bunn, Economic Development Partnership of North Carolina's C-PACE Program Manager, will be presenting an overview of the program

RECOMMENDATION

Staff recommends the Board of Commissioners conduct a public hearing to consider adoption of the attached resolution declaring Catawba County's participation in the Commercial Property Assessed Capital Expenditure (C-PACE) Program.

RESOLUTION NO. 2026-____

RESOLUTION AUTHORIZING CATAWBA COUNTY, NORTH CAROLINA TO PARTICIPATE IN THE COMMERCIAL PROPERTY ASSESSED CAPITAL EXPENDITURE (C-PACE) PROGRAM

WHEREAS, as required by N.C. Gen. Stat. § 160A-239.14(a)(1), the Board of Commissioners of Catawba County, North Carolina (the "County") previously adopted Resolution No. 2026-26 (the "Resolution of Intent"), declaring the intent of the County to participate in the Commercial Property Assessed Capital Expenditure (C-PACE Program) established under Article 10B of Chapter 160A of the General Statutes of North Carolina, as amended (the "C-PACE Act"); and

WHEREAS, as required by N.C. Gen. Stat. § 160A-239.14(b), on November 2, 2026, the County held a public hearing on its intent to participate in the C-PACE Program; and

WHEREAS, as required by N.C. Gen. Stat. § 160A-239.14(a)(2), the County now desires to adopt a resolution to join the C-PACE Program;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Catawba County, North Carolina as follows:

Section 1. The County hereby joins the C-PACE Program and declares its participation in the C-PACE Program shall be subject to and consistent with the provisions of the C-PACE Act, the terms of the C-PACE Program as established by the Economic Development Partnership of North Carolina as the Statewide Administrator of the C-PACE Program, and the Resolution of Intent.

Section 2. Nothing in this Resolution shall be interpreted as authorizing the County to pledge, offer, or encumber its full faith and credit, and the County shall not pledge, offer, or encumber its full faith and credit in connection with any C-PACE financing.

Section 3. Should any provision or provisions of this Resolution be declared invalid or unenforceable in any respect by final decree of any court of competent jurisdiction, the invalidity or unenforceability of any such provisions shall not affect the remaining provisions of such Resolution.

Section 4. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 5. This Resolution shall take effect upon its adoption.

ADOPTED AND APPROVED this 2nd day of November, 2026.

_____

C. Randall Isenhower, Chairman
Catawba County Board of Commissioners

[Seal]

Attest:

_____
Dale R. Stiles, Clerk
Catawba County Board of Commissioners

I, Dale R. Stiles Clerk to the Board of Commissioners for Catawba County, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted by the Board of Commissioners of the County at a regular meeting duly called and held on November 2, 2026.

WITNESS my hand and the official seal of the County this 2nd day of November, 2026.

, Clerk
Dale R. Stiles

Board of Commissioners
Catawba County

ECONOMIC DEVELOPMENT PARTNERSHIP of NORTH CAROLINA

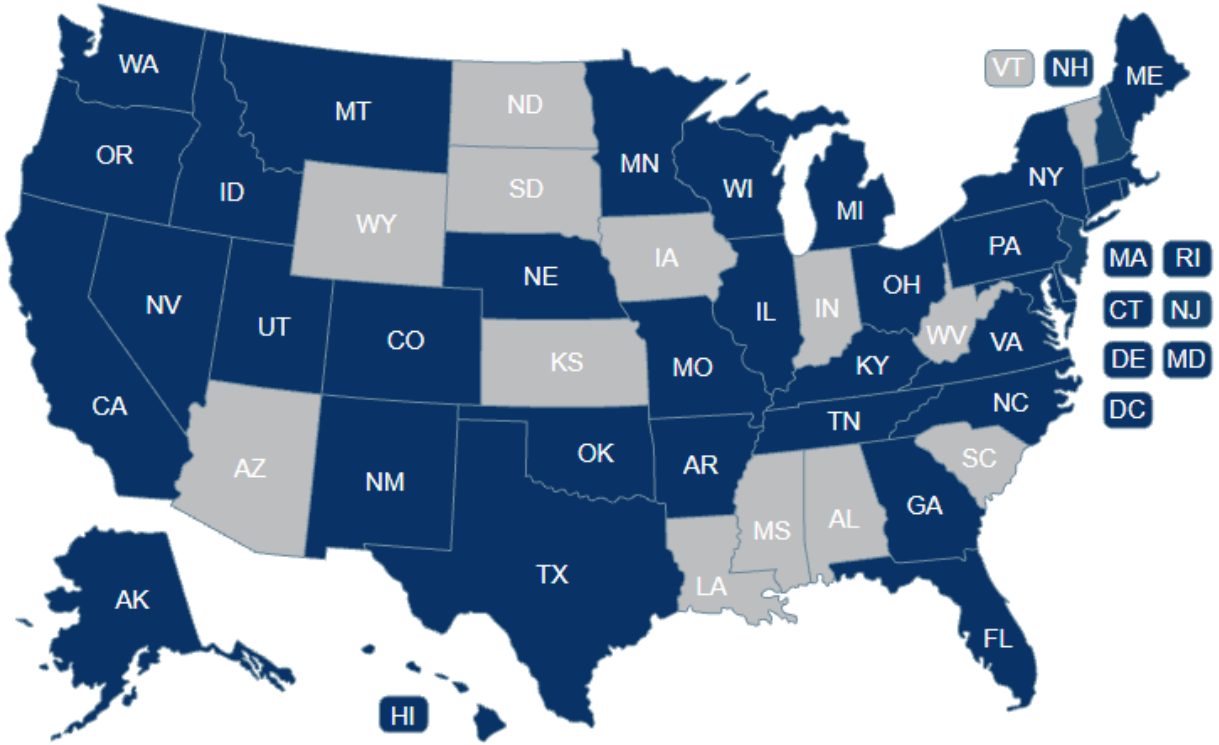
C·PACE

Commercial Property Assessed Capital Expenditure Program

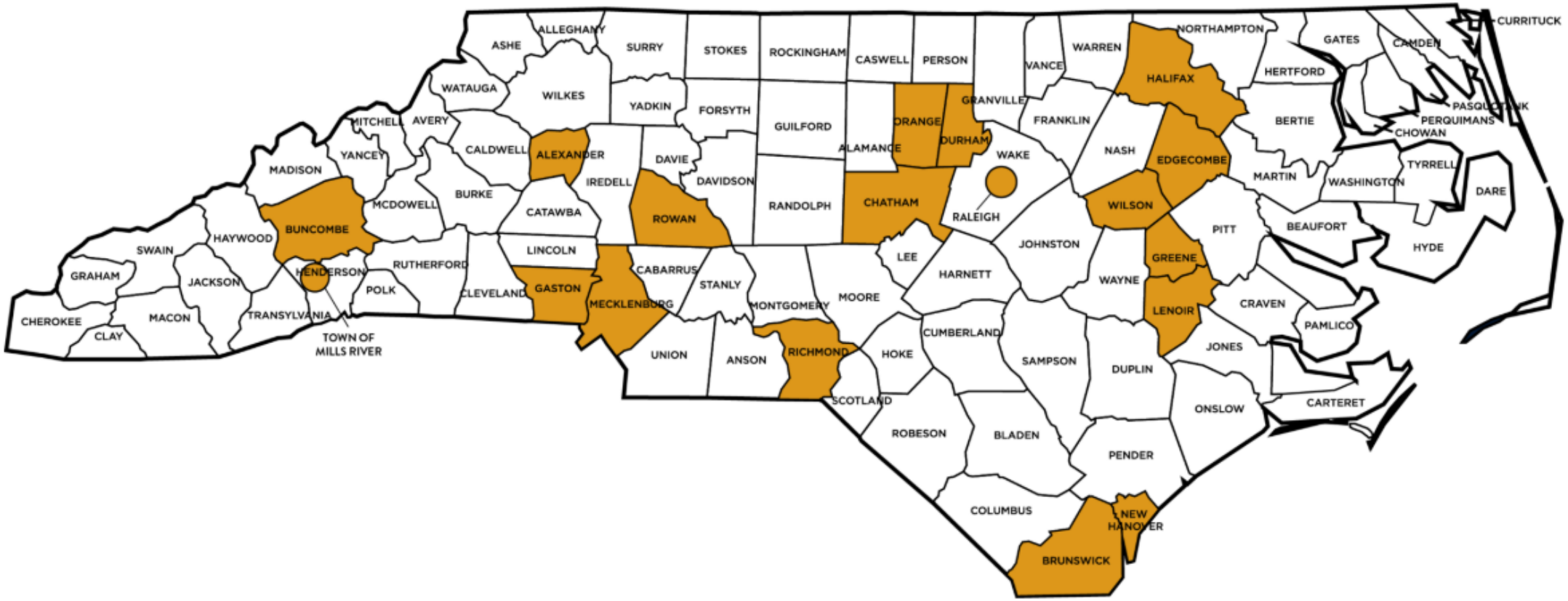
US Participation in C-PACE

(C-PACE) financing is available in states after legislation is passed and adopted on the local level.

While each C-PACE program is unique, NC's program includes energy efficiency and renewable measures but also investment in resiliency and water conservation.



North Carolina C-PACE Program Participants



Commercial Property Assessed Capital Expenditure

SB 802 became law in 2024, creating a statewide Commercial Property Assessed Capital Expenditure (C-PACE) program.

Private property owners can apply for private financing of eligible capital expenditures, leveraging a new financial mechanism – the C-PACE Assessment and the C-PACE Lien



Loans and the assessments are secured by liens placed on the property by the participating local government, enabling payback periods over the expected life of the improvements

Expanding the Toolbox



Provides an additional financing tool for property owners to use “private funds” to finance improvements to their eligible property.



Drives economic development - by creating a diversity of jobs in the resilience and clean energy sectors of the economy.



Provides a more accessible financial mechanism to fund improvements.



The assessment and resulting improvements will increase the tax value of the affected properties with minimal administrative cost to local governments.

Qualifying Improvements

Permanently affixed improvements on qualifying commercial property as part of construction or renovation, including one ore more of the following:



Energy efficiency measure - equipment, component, or program change that reduces energy use and that meets or exceeds then-existing State and Federal building codes and efficiency standards or conservation codes.



Resiliency measure - equipment, component, or program change including, but not limited to, storm retrofits, flood mitigation, stormwater management



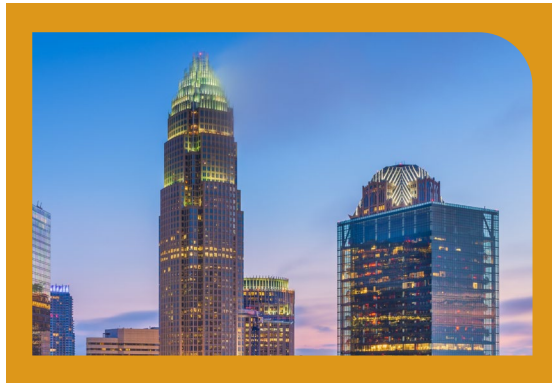
Renewable energy measure - equipment, component, or program change that utilizes a renewable energy resource.



Water conservation measure - equipment, component, or program change to decrease water consumption or demand, either indoor or outdoor. This also includes measures to address safe drinking water.

Qualifying Commercial Property

- Privately-owned property:
  - Commercial
  - Industrial
  - Agricultural
  - Multi-family real property with five (5) or more dwelling units.
  - This includes properties owned by nonprofit, charitable, or religious organizations.



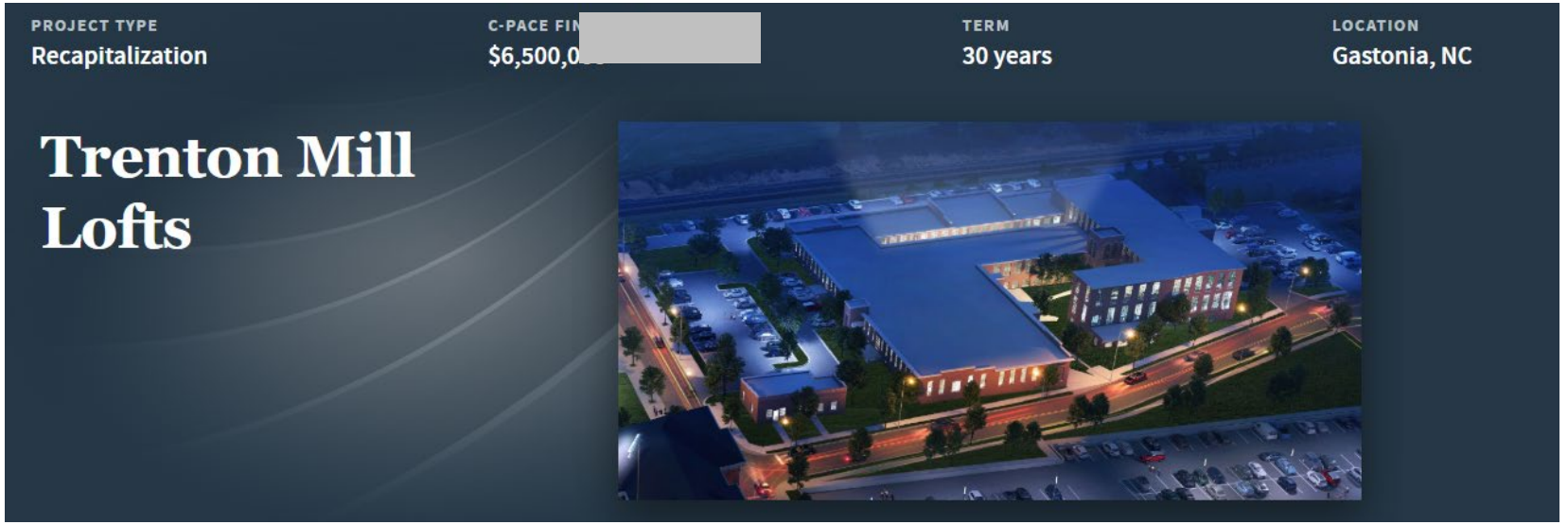


C-PACE : Flexible Financing



- Acquisition
- Construction (including new construction)
- Adaptive reuse
- Installation, or modification of qualifying improvements
- Refinancing of existing properties or new construction that have had qualifying improvements installed

NC's 1st C-PACE Project



Summary

Trenton Mill Lofts is an 85-unit multifamily development located in downtown Gastonia, NC, approximately 20 miles west of Charlotte. The building was previously Trenton Cotton Mill, Gastonia's oldest standing textile mill, which was built in 1897 and had since stood abandoned. In 2022, the Sponsor, Lansing Melbourne Group, reimagined and converted it to an upscale multifamily property, which boasts design-forward apartments and loft-style homes, as well as a fitness studio, lounge, hammock park and fire pit area.

Opportunity

The sponsor utilized $6.5 million in C-PACE financing to recapitalize key energy efficiency improvements, as well as associated soft costs, which were made to the historic Trenton Mill as part of a 2022 adaptive reuse project. By utilizing C-PACE, the Sponsor was able to partially pay down their original construction loan and support the stabilization of the property. This enabled them to cover necessary reserves, enforce lease-up efforts, and fund operational enhancements, thereby positioning the property for long-term success, while providing the city of Gastonia with needed housing.

Local Government Benefits

C-PACE is an economic development tool structured to be cost-neutral for local governments and requiring little-to-no administrative resources. By making it more affordable for building owners to make major improvements to their buildings, local building stock is enhanced, which drives job creation. Energy and resiliency upgrades retain and attract new businesses by lowering utility costs, and in turn these upgrades generate higher property tax payments for local governments. In addition to supporting local governments in their efforts to achieve energy and emissions reduction goals, the benefits of the C-PACE program include:

- Higher property values – Revitalized buildings improve property values, creating more revenue for local communities.
- Economic growth – New development and construction projects stimulate the local economy.
- Stronger communities – Conserving resources and building resiliency in infrastructure deliver positive impacts for everyone in the community.

Your C-PACE Team

Our Role:

- Enablement & education
- Liaison with property owners, local governments, capital providers
- C-PACE Administrator & application review



Kristin Bunn
C-PACE Program Administrator
EMAIL kristin.bunn@edpnc.com
PHONE 919.634.1647



Larry Price
Director of Finance
EMAIL larry.price@edpnc.com
PHONE 919.447.7807

MEMORANDUM

To: Catawba County Board of Commissioners
From: Kimberly Propst Catawba County EDC
Date: November 2, 2026
Re: Utili-Serve - Conover (Project Sandstone)

REQUEST

The Catawba County Board of Commissioners (a) conduct a public hearing, (b) consider adoption of the proposed resolution approving an Economic Development Agreement between Catawba County and Utili-Serve, LLC and CLD Land, LLC, and (c) authorize the Chair to execute these along with any other needed documents.

BACKGROUND

Founded in 2008, Utili-Serve is a privately held utility infrastructure services company headquartered in Conover that offers a range of specialized services in the electric power industry, including turnkey substation construction and maintenance, transformer and apparatus work, and nuclear/general construction. The company operates 30 specialized construction crews and maintains three locations in Conover, Raleigh, and Greenville, SC. The company is evaluating a multi-state expansion to support accelerating demand for electric grid modernization, transmission upgrades, and storm resiliency infrastructure across the Southeast.

PROJECT OVERVIEW

The Conover headquarters is part of a broader strategic growth plan across Utili-Serve's operations involving a new manufacturing process for panels used in electrical substations, supporting utilities' growing need for grid reliability. Adding this capability will expand their role in fabrication and field deployment while helping meet the needs of the modern electric grid. This investment will establish the Conover headquarters as a regional hub for project management, manufacturing, and logistics.

The project entails capital expenditures of over $24 million and creation of 105 new jobs over the next three years to support the increase in capacity. However, the majority of the investment is rolling stock (trucks/repair equipment). Likewise, a large portion of these 105 jobs are field technicians, non-manufacturing jobs potentially distributed to electrical grid work across the Southeast, though technically employed out of Conover.

The proposed Economic Development Agreement does not take into consideration the full investment or the creation of jobs outside Catawba County. Therefore, the project evaluation considered only the manufacturing-related improvements and i**nvestment of $11,045,000 and creation of 15 new jobs,** with an average wage of **$62,400** compared to the County's average wage of $56,937.

ECONOMIC DEVELOPMENT INCENTIVE GRANT OVERVIEW AND CLAWBACKS

The matrix developed with the Board of Commissioners and local municipalities suggests a level 1 incentive, 50% over three years (maximum $65,992) on new County tax receipts from the project. To make the proposal more competitive, EDC suggests the grants begin after the second year of investment. This investment will net a positive payback to the County immediately, consistent with that achieved through other incentivized County projects.

Like all incentives provided by the County, these performance-based incentives will be based on an economic development agreement which requires Utili-Serve, LLC and CLD Land, LLC to meet minimum thresholds of investment ($11,045,000 by the end of 2029) and job creation (15 new jobs by the end of 2029) and maintenance (25 existing jobs). Clawbacks are included in the agreement, requiring repayment should the investment and job creation amounts not be met or sustained as required.

RECOMMENDATION

The Catawba County Board of Commissioners (a) conduct a public hearing, (b) consider adoption of the proposed resolution approving an Economic Development Agreement between Catawba County and Utili-Serve, LLC and CLD Land, LLC, and (c) authorize the Chair to execute these along with any other needed documents.

Resolution No. 2026-

Resolution Authorizing Economic Development Incentives for Utili-Serve, LLC and CLD Land, LLC

WHEREAS, North Carolina General Statute §158-7.1 authorizes a county or city to make appropriations for economic development purposes which the county or city determines will increase the population, taxable property, agricultural industries, employment, industrial output, or business prospects of the county or city; and

WHEREAS, Utili-Serve, LLC and CLD Land, LLC ("Companies") are engaged in manufacturing of utility infrastructure. The Companies now desire to expand their manufacturing facilities and operations and construct new real property improvements and install or cause to be installed additional machinery, equipment, and trade fixtures at 1701 Cable Drive NE, Conover, North Carolina 28613; and

WHEREAS, the Companies requested incentives to cause a minimum investment of $11,045,000.00 for the improvement of real property and installation of capital equipment and trade fixtures by December 31, 2029, and to create and maintain a minimum of fifteen (15) new jobs by December 31, 2029. These jobs must be maintained for a minimum of three (3) years as further detailed in the Economic Development Agreements ("EDA's") with Catawba County and the City of Conover; and

WHEREAS, County and Companies have engaged in negotiations to induce the County to enter into an EDA and appropriate and expend monies for payment of certain economic development incentive grants; and

WHEREAS, County and Company have reached an agreement, as set forth in the attached EDA, that includes terms and conditions for incentive payments to Company as set forth therein and further includes terms and conditions for full recapture of incentive payments made if certain minimum levels of job creation or capital investment are not met or for failure of the Company to continue operations at its facilities located at 1701 Cable Drive NE, Conover, North Carolina 28613, for the term of the agreement; and

WHEREAS, the Board of Commissioners of Catawba County and the City Council of City of Conover, have held public hearings in compliance with NCGS §158-7.1 and finding that the appropriations to be created pursuant to the agreements will stimulate the local economy, increase taxable property, promote business, and result in the creation of a substantial number of jobs that pay at or above the average annual wage in Catawba County as computed by the North Carolina Department of Commerce for the most recent period for which data is available.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Catawba County, North Carolina, as follows:

1) The recitals set forth above are incorporated herein by reference as if fully restated.

2) The Board of Commissioners approve appropriating and spending from the County's general fund amounts to make incentive payments as more specifically described in the EDA conditioned on

certain requirements being met, including the company's required minimum investment and maintenance of new jobs, which will pay above the median average hourly wage in the County, as described in the attached EDA. The agreement has performance requirements and clawback provisions approved by the respective entities sufficient to recapture incentive payments made for the failure of the Company to perform and to comply with criteria as required by the City and County Incentive Policies, North Carolina General Statutes, and attached EDA.

3) The Board of Commissioners hereby ratifies and approves the EDA substantially in the form attached hereto as Exhibit A and authorizes the Chairman of the Board of Commissioners to take all actions necessary to implement the actions and grants required by that agreement.

This the 2nd day of November, 2026.

_____
C. Randall Isenhower, Chair
Catawba County Board of Commissioners

ATTEST:

_____
Dale R. Stiles, Clerk

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

CATAWBA COUNTY AND
UTILI-SERVE, LLC AND CLD LAND, LLC
ECONOMIC DEVELOPMENT AGREEMENT

THIS ECONOMIC DEVELOPMENT AGREEMENT (this "Agreement") is made and entered into by and between Catawba County (the "County"), a North Carolina body politic, having a mailing address of Post Office Box 389, Newton, NC, 28658, and Utili-Serve, LLC, (the "Utili-Serve" or "Company") a limited liability company organized and existing under the laws of the State of North Carolina and qualified to do business in the State of North Carolina, and CLD Land, LLC, ("CLD" or together, the "Companies") a limited liability company organized and existing under the laws of the State of North Carolina and qualified to do business in the State of North Carolina, respectively and having a mailing address of 1701 Cable Dr. NE Conover, NC 28613 and is effective as of the last date herein below signed (the "Effective Date"). The identified parties are at times referred to herein collectively as "Parties" and individually as a "Party."

RECITALS:

WHEREAS, North Carolina General Statute (G.S.) §158-7.1 authorizes a County or City to make appropriations for economic development purposes which the County or City determines will increase the population, taxable property, agricultural industries, employment, industrial output, or business prospects of the County or City; and

WHEREAS, the Companies intend to up fit the existing facility ("Improvements") at 1701 Cable Dr NE, Conover, NC 28613 (Parcel ID #374220909218) (the "Facility") for the purposes of expansion; and

WHEREAS, in expanding its operations, the Companies desire to construct certain improvements on the real property at the Facility (the "Facility Improvements"), and further desires to install or cause to be installed certain machinery, equipment and trade fixtures used to assemble, manufacture, and process business-related goods and services at the Facility (the "FF&E Improvements," and together with the Facility Improvements, the "Capital Improvements"); and

WHEREAS, to induce the County to enter into this Agreement and to appropriate and expend monies for payment of certain economic development incentive grants, the Companies agree to expend a minimum of Eleven Million Forty-Five Thousand Dollars ($11,045,000) on the Capital Improvements (the "Minimum Investment") between April 1, 2026, and December 31, 2029 (the "Capital Improvements Period"); and

WHEREAS, the Companies also intend to create a minimum of Fifteen (15) new jobs at the Facility (the "Required Jobs") between April 1, 2026, and December 31, 2029 (the "Job Creation Period"), and will maintain at least ninety percent (90%) of the Required Jobs during the period beginning on January 1, 2030, and ending December 31, 2032 ("Job Maintenance Period"); and

WHEREAS, the Companies expect to be community-oriented companies and intend to participate in philanthropy, community events, and programs intended to increase the health and happiness of its employees and the community. The Companies will participate in, in a manner determined by the Companies, the Catawba EDC's corporate Committee of 100 501(c)(3) non-profit sponsorship for each year of the incentive proposed herein; and

WHEREAS, the Companies are encouraged, to the extent possible, to purchase local services and supplies, such as, but not limited to, locally produced products, local hotel, motel, and hospitality services, local building and construction services, and other products and services; and

WHEREAS, the County desires to make appropriations to Utili-Serve in the form of incentive grants for the purpose of aiding and encouraging development of the Capital Improvements and Facility within its corporate boundaries.

NOW, THEREFORE, in consideration of the mutual promises and undertakings set forth in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. **Recitals.** The foregoing recitals are incorporated herein by reference.

SECTION I – COMPANIES

2. **Warranties.** In order to induce County to enter into this Agreement and to appropriate and expend monies for payment of certain economic development incentives, the Companies represent and warrant that, as of the execution date hereof:

   a. The Companies are qualified to do business in the State of North Carolina, are registered with the Secretary of State of North Carolina, and are in good standing and authorized to do business in the State of North Carolina; and

   b. The Companies have the corporate power and authority to own their properties and assets and to carry on their business as now being conducted and have the corporate power and authority to execute and perform this Agreement; and

   c. The undersigned representative of the Companies has the right, authority, and duty to execute this Agreement in the name and on behalf of the Companies; and

   d. This Agreement (i) is the valid and binding instrument and agreement of the Companies, enforceable against the Companies in accordance with its terms; (ii) does not violate any order of any court or other agency of government binding on the Companies, the charter documents or operating agreement of the Companies or any provision of any indenture, agreement or other instrument to which the Companies are a party; and (iii) does not conflict with, result in a breach of, or constitute an event of default, or an event which, with notice or lapse of time, or both, would constitute an event of default, under any indenture, agreement or other instrument to which the Companies are a party; and

   e. There is no suit, claim, action, or litigation pending, or to the knowledge of the Companies threatened, relating to the Improvements, the use of the Improvements for their intended purpose, or any other matter contained herein; and

   f. As of the date of execution of this Agreement, there is no known impediment to the use of the Facility for the purposes contemplated by this Agreement except for making certain Capital Improvements; and

   g. The Companies are not engaged in a business that would be exempt from property taxes.

3. **Notice of Commitment.** On or before December 1, 2026, the Companies shall deliver to the County a duly executed Certificate, in the form of the attached Exhibit A, which is incorporated herein by this reference, certifying that the Companies, by December 31, 2029, will complete, or cause to be completed, the construction and installation of the Capital Improvements, that the Companies intend to create and make available the Required Jobs at the Facility during the Job Creation Period and maintain the Required Jobs during the Job Maintenance Period, that the average wage for new jobs created during the Job Creation Period and maintained during the Job Maintenance Period will equal or exceed Sixty-Two Thousand Four Hundred Dollars ($62,400) per year (not including benefits), and that the Companies will comply with the Calendar of Responsibilities set forth in Exhibit A.

4. **Improvements.** The Companies shall make, or cause to be made, the Minimum Investment to complete Capital Improvements at the Facility during the Capital Improvements Period. The Minimum Investment shall include expenditures for new construction, renovations, machinery, equipment, furniture, fixtures, and computer equipment at the Facility during the Capital Improvements Period only to the extent such

expenditures result in additional value for ad valorem tax revenue as determined by the Catawba County Tax Office. The Companies further agree to maintain in place, in good condition, ordinary wear and tear excepted, all Capital Improvements made under this Agreement for a period of three (3) years after the final Incentive Payment (defined below) is issued to the Companies ("Capital Improvements Maintenance Period").

5. **Jobs.** In addition to the 25 existing jobs on April 1, 2026, the Companies shall create the Required Jobs at the Facility during the Jobs Creation Period and shall maintain at least ninety percent (90%) of those Required Jobs during the Jobs Maintenance Period. For purposes of this Agreement, "job" shall be defined as employment that provides one thousand six hundred (1600) hours or more of work in any twelve (12) month period and for which the average wage will equal or exceed Sixty-Two Thousand Four Hundred Dollars ($62,400) per year (not including benefits).

SECTION II – COUNTY

6. **Warranties.** To induce the Companies to enter into this Agreement and provide the Capital Improvements and Required Jobs under this Agreement, County represents and warrants that, to the best of County's knowledge, as of the execution date hereof:

   a. County is a North Carolina body politic corporate in nature and existing under North Carolina law; and

   b. County has the power and authority to carry on its business as now being conducted and has the power and authority to execute and perform this Agreement; and

   c. The undersigned authorized representative of County has the right, authority, and duty to execute this Agreement in the name and on behalf of County; and

   d. This Agreement (i) is the valid and binding instrument and agreement of County, enforceable against County in accordance with its terms; (ii) does not violate any order of any court or other agency of government binding on County, or any provision of any indenture, agreement or other instrument to which County is a party; and (iii) does not conflict with, result in a breach of, or constitute an event of default, or an event which, with notice or lapse of time, or both, would constitute an event of default, under any indenture, agreement or other instrument to which County is a party; and

   e. There is no suit, claim, action, or litigation pending, or to the knowledge of the County threatened, relating to the Improvements, the use of the Improvements for their intended purpose, or any other matter contained herein; and

   f. As of the date of execution of this Agreement, there is no known impediment to the use of the Project Site for the purposes contemplated by this Agreement.

7. **Tiered Incentive Grant Payments.** In consideration for the Capital Improvements and Required Jobs provided by the Companies under this Agreement, the County agrees to provide Utili-Serve with the following economic development incentives:

   The County agrees to provide annual economic development incentive payments to Utili-Serve ("Incentive Payments") in amounts equal to the ***lesser of*** (1) the Grant Percentage multiplied by the annual ad valorem taxes paid by the Companies in the Grant Year to the County attributable to the value of the Capital Improvements made by the Companies pursuant to this Agreement in excess of the Baseline Assessed Value (defined below and shown in Chart A) of the Facility (including pre-existing FF&E Improvements), or (2) or "Maximum Incentive Payment" for each Grant Year shown in Chart B below. Incentive Payments shall be exclusive of rolling stock and shall commence with the taxes assessed on January 1, 2028 (GY1) and continuing for taxes assessed on January 1 of the succeeding two (2) years (GY2-GY3). For purposes of this Agreement, the Baseline Assessed Value for the Facility shall be as follows (each a "Baseline Assessed Value"):

Chart A

Parcel ID	Facility Value	FF&E Value	Baseline Assessed Value
374220909218	$1,701,600	$10,200,250	$11,901,850

In no event will the cumulative Incentive Payments exceed Sixty-Five Thousand Nine Hundred Ninety-Two Dollars ($65,992) over a period of three (3) years (GY1 to GY3).

Chart B

Grant Year	Grant Percentage	Maximum Incentive Payment
GY1 (2028 Tax Year)	50.0%	$21,977
GY2 (2029 Tax Year)	50.0%	$22,007
GY3 (2030 Tax Year)	50.0%	$22,007
Maximum Incentive Payments		**$65,992**

Within ninety (90) days of the County's receipt of payment of the annual ad valorem taxes owed by the Companies to the County and the Certification attached hereto as Exhibit B, which shall be submitted no later than March 5th each year beginning in calendar year 2028, the County will issue payment of the Incentive Payments owed under this Paragraph 7. Incentive Payments shall be payable annually, subject to the Company's compliance with all requirements of this Agreement, beginning in Tax Year 2028 (GY1) through 2030 (GY3).

SECTION III – FORCE MAJEURE, EVENTS OF DEFAULT AND REMEDIES

8. **Force Majeure.** Notwithstanding the provisions of Paragraph 7, in the event the Companies are unable to meet the requirements of this Agreement as a result of (i) an event of force majeure, including but not limited to fires, explosions, acts of God, acts of public enemy, insurrections, riots, terrorism, embargoes, labor disputes, including strikes, lockouts and job actions, or boycotts; (ii) the inability to obtain the governmental permits or approvals (including zoning) necessary for the acquisition of the land or undertaking and operating the Improvements after a good faith effort to obtain same has been made; (iii) shortages of materials or energy; (iv) changes in laws; or (v) other causes beyond the control of and arising without the fault or negligence of the Companies; then, in such event, the Capital Improvement Period shall be extended for a period equal to the delay caused by any of the foregoing events so long as the Companies have (a) furnished the County on a timely basis, upon the occurrence of such event, a notice thereof, and (b) taken all commercially reasonable steps necessary to relieve the effect of such event and to resume completion of the Improvements. In accordance with the foregoing, should the Companies be unable to meet the requirements as described above as a result of a force majeure, the obligation of the County to pay Incentive Payments as provided in this Agreement, shall be suspended until such time as the Companies are relieved from the effect of an event of force majeure and resumes completion of the Improvements.

9. **Events of Default.** It shall be an event of default (an "Event of Default") if any one or more of the following events occurs for any reason whatsoever and whether such occurrence is voluntary or involuntary or comes about or is effected by operation of law or pursuant to or in compliance with any judgment, decree or order of any court or any order, rule or regulation of any administrative or governmental body:

   a. If the Companies, except in the event of force majeure, commits a breach of an obligation, including, without limitation, the obligation to:

      i. Make the Capital Improvements and/or Minimum Investment during the Capital Improvement Period,
      ii. Maintain the Capital Improvements during the Capital Improvement Maintenance Period,

iii. Create the Required Jobs during the Job Creation Period, and
iv. Maintain at least ninety percent (90%) of the Required Jobs during the Job Maintenance Period; or

b. If during the Capital Improvement Period, Jobs Creation Period, and/or Jobs Maintenance Period, the Companies fail to timely file Exhibit B on or before March 5th of each year, following and corresponding to the previous July 1st when taxes are billed, and any qualifying incentive that would be due to the Company, shall be deemed a breach of the Agreement and, notwithstanding Paragraph 10 below, the sole remedy of the County will be that the County will not owe the Incentives Payments that may have otherwise been due had those filings properly been made when due; or

c. If any material representation, warranty or other statement of fact contained in this Agreement or in any final writing, certificate, report or statement furnished by the Companies to the County in connection with the transaction described in this Agreement, is, to the Company's knowledge, false or misleading in any material respect at the time given; or

d. If the Companies are unable to pay its debts generally as they become due; files a petition to take advantage of any insolvency statute; makes an assignment for the benefit of creditors; commences a proceeding for the appointment of a receiver, trustee, liquidator or conservator of themselves or of the whole or any substantial part of their property; files a petition or answer seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute of the United States of America or any state; or

e. If the County, except in the event of force majeure, fails to pay the Companies Incentive Payments when such payment is due or is otherwise unable to pay its debts generally as they become due; files a petition to take advantage of any insolvency statute; makes an assignment for the benefit of creditors; commences a proceeding for the appointment of an emergency manager, receiver, trustee, liquidator or conservator or any similar entity; files a petition or answer seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute of the United States of America or North Carolina; or

f. If a Court of competent jurisdiction enters an order, judgment, or decree appointing a custodian, receiver, trustee, liquidator, or conservator of the Companies or of the whole or any substantial part of their properties, or approves a petition filed against the Companies seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute; or if, under the provisions of any other law for the relief or aid of debtors, a court of competent jurisdiction shall assume custody or control of the Companies or of the whole or any substantial part of their properties; or

g. If a Court of competent jurisdiction enters an order, judgment, or decree appointing an emergency manager, custodian, receiver, trustee, liquidator, or conservator or any similar entity for the County, or approves a petition filed against County seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute; or if, under the provisions of any other law for the relief or aid of debtors, a court of competent jurisdiction shall assume custody or control of the County; or

h. If the Companies allow the following to fall below the minimum values agreed upon in this Agreement, as each of the same pertains to the Facility contemplated by this Agreement:

i. Taxable assets (before allowances taken for depreciation),
ii. Employment during Job Creation Period,
iii. Employment during Job Maintenance Period, and
iv. Average wage amounts.

10. **Remedies for County.** Upon an Event of Default by the Companies, the County may, at its option, exercise any one or more of the applicable remedies:

a. **Remedy for Events of Default:** In the Event of Default by the Companies under Paragraph 9, if said Event of Default remains uncured for a period of sixty (60) days after written notice by the County to the Companies, but which written notice will not be given to the Companies by the County for a failure to timely file Exhibit B, the County's obligation to pay present and future Incentive Payments shall automatically terminate, and within 60 days the Companies shall refund to the County all Incentive Payments paid by the County to the Companies prior to the date of the Event of Default plus interest at the rate of prime plus One Percent (1%). The date the prime interest rate shall be determined shall be the date the Companies receive the notice of the Event of Default, and prime will be the prime rate as published in the *Wall Street Journal (WSJ)*.

b. **Liquidated Damages:** The Parties acknowledge and agree that in the Event of Default by the Companies, the damages resulting from such Event of Default would be difficult to ascertain with reasonable certainty at the time of contracting. The Parties acknowledge and agree that the above remedies are a reasonable forecast of just compensation for the harmed that would be caused by an Event of Default by the Companies, that the harm caused by such an Event of Default is one that is incapable of accurate estimation or difficult to quantify at the time of contracting, and the amounts stipulated bear a reasonable relationship to the damages likely to be sustained by the County in the Event of Default. Therefore, in the Event of Default by the Companies, the above remedies shall be paid as liquidated damages and not as a penalty and shall represent the reasonable compensation for the anticipated loss that the County would incur by such Event of Default.

SECTION IV – MISCELLANEOUS

11. **Public Purpose.** The Companies and County acknowledge that any monies appropriated and expended by County for Economic Development Incentives, as provided in this Agreement, are for a bona fide public purpose and are expended in good faith reliance on G.S. § 158-7.1. In the event a Court of competent jurisdiction rules in a lawsuit to which either the Companies or the County is a party, that all monies expended by the County pursuant to this Agreement were not offered and accepted in good faith and in compliance with G.S. § 158-7.1 and, further, that such monies must be repaid, the Companies will make such repayment to the County. In the event one or more lawsuits are brought against the County or any County elected official, officer, agent, or employee, or the Companies, challenging the legality of this Agreement, then the County and the Companies shall exercise their best efforts to defend against any and all such lawsuits, at their own cost and expense. In any event, if the Companies are required to repay funds to the County pursuant to this Paragraph 11, the benefit of this Agreement to the Companies will have been lost, and all further obligations of the Companies hereunder shall terminate.

12. **Notice.** All notices, certificates or other communications required or permitted to be given or served hereunder shall be deemed to be received on the next business day following the date served in accordance with the provisions of this Agreement if the notice is (i) mailed in a sealed wrapper and is deposited in the United States mail, certified mail, return receipt requested, postage prepaid, or (ii) deposited with a national overnight courier service that retains receipts for its deliveries, properly addressed as follows:

County of Catawba: Catawba County
Attn: Mary Furtado, County Manager
PO Box 389
Newton, NC 28658

Copy to: County Attorney
Attn: Jodi Stewart, County Attorney
PO Box 389

Newton, NC 28658

The Company: Utili-Serve, LLC
Attn: Thomas Koury
1701 Cable Dr NE
Conover, NC 28613

CLD Land, LLC
Attn: Thomas Koury
1701 Cable Dr NE
Conover, NC 28613

The County or the Companies may, by notice given to the other, designate any further or different addresses to which notices, certificates, requests or other communications shall be sent.

This Agreement shall inure to the benefit of, and is binding upon, the County and the Companies and their respective successors and assigns. However, neither this Agreement nor any rights, privileges, nor claims created by this Agreement may be transferred by the Companies without the prior written approval of County, which approval will not be unreasonably withheld.

13. **E-Verify.** Companies shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes. Further, if the Companies utilize a subcontractor, the Companies shall require the subcontractor to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes.

14. **Amendment.** Except as otherwise provided in this Agreement, this Agreement may not be amended, changed, modified, or altered except by written agreement of the Parties.

15. **Partial Invalidity.** If any provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions of this Agreement.

16. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same agreement. A signed copy of this Agreement delivered by facsimile, email, or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

17. **Governing Law.** This Agreement shall be deemed to have been made and performed in North Carolina. All rights arising under this Agreement, and all disputes and controversies arising from or in connection with this Agreement, including but not limited to, enforcement of any term or condition of this Agreement, shall be governed by and determined in accordance with the laws of North Carolina only, and without regard for any choice of laws rules.

18. **Jurisdiction.** Any action to enforce this Agreement and all disputes between the Parties arising out of, connected with, related to, or incidental to the relationship established between the Parties in connection with this Agreement, whether arising in contract, statute, tort, equity, common law or otherwise, shall be resolved only by a court located in Catawba County, North Carolina, or if not maintainable therein, then before an appropriate federal or state court located in North Carolina, and the Parties hereby consent and submit to the jurisdiction of such court.

19. **Waiver.** The failure of either Party to insist upon a strict performance of any of the terms or provisions of this Agreement, or to exercise any option, right, or remedy under this Agreement, shall not be construed as a waiver or relinquishment for the failure of such term, provision, option, right, or remedy, but the same shall continue and remain in full force and effect. No waiver of either Party of any term or provision of this Agreement shall be deemed to have been made unless expressed in writing and signed by the Party against whom the waiver is asserted.

20. **Term.** The term of this Agreement shall commence on the date of execution and expire upon the later of (i) payment by the County of all Incentive Payments due to the Company, (ii) expiration of the Capital Investment Maintenance Period, or (iii) expiration of the Jobs Maintenance Period, unless earlier terminated as provided herein (the "Term").

21. **Construction.** Both the Companies and the County acknowledge and stipulate that this Agreement is the product of mutual negotiation and bargaining and that it has been drafted by counsel for both the Companies and the County.

{Signatures on Following Pages}

IN WITNESS WHEREOF the Parties hereto have set their hands and seals as of the day and year first above written.

Catawba County,
A North Carolina Body Politic

Attest:
(SEAL)

By: _____ (Seal)
C. Randall Isenhower, Chair
Catawba County Board of Commissioners

_____
Dale Stiles, County Clerk

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, _____ a Notary Public of said county and state, certify that Dale Stiles personally came before me this day and acknowledged that she is County Clerk to the Catawba County Board of Commissioners, a body politic corporate in nature, and that by authority duly given and as the act of the body politic the foregoing instrument was signed in its name by its Chair, sealed with its body politic seal, and attested by herself as County Clerk.

Witness my hand and seal this _____ day of _____, 2026.

[Seal]

_____
Notary Public

My commission expires: _____

This document has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
Mary Morrison, Catawba County Chief Financial Officer

Approved as to form on behalf of County of Catawba only:

_____
Jodi Stewart, County Attorney

IN WITNESS WHEREOF the Parties hereto have set their hands and seals as of the day and year first above written.

UTILI-SERVE, LLC

By: _____
Thomas Koury, CFO

CLD LAND, LLC

By: _____
Thomas Koury, CFO

STATE OF _____

COUNTY OF _____

I, _____ a Notary Public of said County and State, do certify that Thomas Koury, as CFO of UTILI-SERVE, LLC and CLD LAND, LLC, personally appeared before me this day and acknowledged on behalf of UTILI-SERVE, LLC and CLD LAND, LLC the voluntary due execution of the foregoing document, all for the purposes therein expressed.

Witness my hand and seal this _____ day of _____, 2026.

[Seal]

_____
Notary Public

My commission expires: _____

EXHIBIT A

Economic Development Agreement
Between Catawba County and Utili-Serve, LLC and CLD Land, LLC

CERTIFICATE

TO: Catawba County

This Certificate is delivered pursuant to Paragraph 3 of the Economic Development Agreement (the "Agreement") dated _____, 2026, by and between Catawba County ("County") and UTILI-SERVE, LLC and CLD LAND, LLC (the "Companies"). Any capitalized term not otherwise defined herein shall have the meaning assigned to such term in the Agreement.

I, _____, do hereby certify, for and on behalf of the Companies, that: (A) the Companies intend to install the improvements; (B) the Company intends to create, maintain and make available a minimum of Fifteen (15) new jobs prior to December 31, 2029, and that the overall average wage for those jobs, not including benefits, will equal or exceed $62,400 for each year that County pays the Companies Incentive Payments under the Agreement; and (C) the Companies shall comply with the Calendar of Responsibilities listed below.

Calendar of Responsibilities:

Date	Responsibility
01/05	The Companies make payment to County according to Tax Listing filed by January 31st of the previous year unless extension is requested and approved for April 15th. Any extension request must be filed by January 31st.
03/05	The Companies must provide Exhibit B, supporting documents and proof of payment and/or compliance as required within Agreement.
04/15	The Companies must provide Real/Personal Property Tax listings to County Tax Office.

Dated at Catawba County, North Carolina, this _____ day of _____, 202__.

Utili-Serve, LLC

_____

By:

Its:

CLD LAND, LLC

_____

By:

Its:

EXHIBIT B

Economic Development Agreement
Between Catawba County and Utili-Serve, LLC and CLD Land, LLC

CERTIFICATE

TO: Catawba County

This Certificate is delivered pursuant to Paragraphs 7 and 9 of the Economic Development Agreement ("the "Agreement") dated_____, 2026, by and between Catawba County ("County") and Utili-Serve, LLC and CLD Land, LLC (the "Companies"). Any capitalized term not otherwise defined herein shall have the meaning assigned to such term in the Agreement.

I, _____, do hereby certify, for and on behalf of the Companies, that: (A) the following improvements were made during the 20__ Calendar Year (general description and expense):_____; (B) the following jobs were created during the 20__ Calendar Year: _____ ; Total Headcount at the Facility as of the end of the most recent calendar Year _____(please attach the most recent quarterly 3rd party payroll report, Form NCUI 101 or other payroll documentation to verify as approved by Catawba County Economic Development staff. (C) the average wage of all of those employed at the _____ Facility during the 20__ Calendar Year is as follows: (Wage Forms Total Payroll divided by number of employees) _____; (D) total cumulative real and personal property improvements installed at the Facility since 04/01/2026 _____; and (E) proof of taxes paid is attached to this certificate.

Attachments (required):
Current Year Catawba County personal and real property Tax Listing information as reported to Catawba County Tax Office, most recent quarterly Form NCUI 101, 3rd Party Payroll Report or other documentation approved by Catawba County Economic Development staff, Proof of taxes paid in full.

Calendar of Responsibilities:

Date	Responsibility
01/05	The Companies made payment to County according to Tax Listing filed by January 31st of the previous year unless extension is requested and approved for April 15th. Any extension request must be filed by January 31st.
03/05	The Companies must provide Exhibit B, supporting documents and proof of payment and/or compliance as required within Agreement.
04/15	The Companies must provide Real/Personal Property Tax listings to County Tax Office.

Dated at Catawba County, North Carolina, this _____ day of _____, 20__.

Utili-Serve, LLC

_____

By:

Its:

CLD LAND, LLC

_____

By:

Its:

catawba county
public health

MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Finance and Personnel Subcommittee

DATE: November 2, 2026

RE: Care Management Restricted Medicaid Dollars

REQUEST
The Finance and Personnel Subcommittee requests the Board of Commissioners appropriate $235,000 in Public Health restricted revenues to maintain continuity in community-based pregnancy and birth outcome care management services through the fiscal year.

BACKGROUND
The phrase "care management" refers to a coordinated, team-based approach to delivering health services that has been found to improve health outcomes and reduce avoidable hospitalizations by organizing a patient's treatments, medications, appointments, and follow-up needs across providers. Many of Catawba County Public Health's programs are built upon a foundation of care management principles; this approach is central to Public Health's service delivery model. Across North Carolina, largely driven by shifts in federal and state policy, care management is changing in a way that directly affect how local health departments support residents in achieving positive health outcomes. These changes have had both positive and negative consequences.

Recent statewide launch of Medicaid Transformation brought positive changes - moving beneficiaries into Managed Care Organizations (MCOs) and strengthening Care Management for At-Risk Children (CMARC) and Care Management for High-Risk Pregnant Women (CMHRP) programs. These programs led to improved pregnancy, birth, postpartum, and child health outcomes through local, face-to-face care management approaches built on strong partnerships. Public Health's current Care Management program helps patients navigate service needs through local healthcare organizations, with staff embedded in local provider offices and integrated into the system of care. The Care Management team builds trust, deepens impact, and operates efficiently by being based directly within our local communities.

In early August, North Carolina announced an upcoming transition in how care management services for Medicaid members will be provided. Starting December 31, 2026, local health departments will no longer deliver CMARC or CMHRP services. On that date, responsibility for providing care management services will shift fully from local health departments to the state's Medicaid Primary Health Providers (United Healthcare, Carolina Complete, AmeriHealth, and Blue Cross Blue Shield). In Catawba County, responsibility for the care coordination work previously handled by Public Health will shift to these agencies, which will coordinate care for high-risk pregnant women and at-risk young children.

For Catawba County, this shift introduces a reduction in direct care management activities and a need to re-evaluate staffing, workflows, and partnerships to ensure families continue to receive support during and

after the service transition. The state is expected to provide more detailed guidance and planning requirements in the coming months.

Currently, Catawba County Public Health has $776,448 in restricted fund balance from earned Per Member Per Month restricted revenue that must be utilized in the programs in which it was earned. To ensure as smooth a transition to the new service delivery model as possible, Catawba County Public Health requests permission to use $235,000 in restricted Per Member Per Month Medicaid revenue to maintain current Care Management staffing through June 30, 2027. This temporary bridge funding will allow Public Health the opportunity to explore several potential long-term, sustainable funding approaches to maintaining Care Management services for Catawba County residents. It creates opportunity to implement strategies complementary to Care Management, such as expanding Newborn Postpartum Home Visits and integrating Community Health Workers as Perinatal Navigators.

Public Health currently has three active state funding applications in progress to leverage additional non-local funds to enhance Care Management and improve birth outcomes. There are also regional and statewide conversations occurring related to the possibility of contracting with two Prepaid Health Plans (Carolina Complete and AmeriHealth Caritas) as part of a regional collaborative for continuation of Care Management services as currently configured for families covered by those plans.

The Per Member Per Month Medicaid revenue requested in this memo would support staffing continuity, enabling Public Health to continue providing essential services to our residents and to build a long-term, sustainable Care Management approach that maximizes reimbursement for certain services, such as postpartum home visiting, and leverages potential state investments to strengthen programs that improve pregnancy and birth outcomes.

Careful workforce planning will be key to ensuring a smooth transition and minimizing any disruption for both staff and the community. This process will enable Public Health to develop and implement a future-focused, sustainable, and impact-driven Care Management program moving into FY 27-28.

RECOMMENDATION
The Finance and Personnel Subcommittee recommends the Board of Commissioners appropriate $235,000 in Public Health restricted revenues to maintain continuity in community-based pregnancy and birth outcome care management services through the fiscal year.

SUPPLEMENTAL APPROPRIATION:

Revenue:		
110-580050-690100	Restricted Fund Balance Applied	$235,000
Expense:		
110-580252-691300	County Share	$104,226
110-580305-691300	County Share	$130,774

MEMORANDUM

To: Catawba County Board of Commissioners

From: Finance and Personnel Subcommittee

Date: November 2, 2026

Subject: American Rescue Plan Act Ordinance Revision

Request

The Finance and Personnel Subcommittee requests the Board of Commissioners reallocate $95,235.64 in ARPA funding to similar ARPA eligible projects previously obligated before the obligation deadline of December 31, 2024, and revise the ARPA Grant Ordinance to reflect the transfer appropriation.

Background

To ensure American Rescue Plan Act (ARPA) dollars are spent by the December 31, 2026 deadline, staff is requesting to reallocate ARPA dollars among eligible projects where final expenditures were either under or over budget. The ARPA final rule issued by U.S. Treasury provides some flexibility for recipients to reallocate funds between obligated projects after the obligation deadline of December 31, 2024. In order to reallocate funds the projects requiring an increase in obligation must have been originally obligated as an ARPA project as of December 31, 2024.

The SECC Highway 16 Waterline project was originally obligated $2,554,947.89 of ARPA funding; however, the project was completed with a final cost of $2,489,200.59, coming in under budget by $65,747.30. The Maiden Loop Water project was originally obligated $1,510,000 of ARPA funding. This project was completed with a final cost of $1,480,511.66, with the project coming in under budget by $29,488.34. The design-only project for the Hickory/Catawba Wastewater Treatment Plant Expansion project was previously obligated $1,400,000; however, additional expenses related to necessary design changes were required to fulfill the project. Staff is requesting a reallocation of ARPA funding that reduces the SECC Highway 16 Waterline and Maiden Loop Water projects by $65,747.30 and $29,488.34, respectively, and allocates those dollars to the Hickory/Catawba Wastewater Treatment Plan Expansion project. This will allow the County to report all eligible ARPA expenses to U.S. Treasury.

Recommendation

The Finance and Personnel Subcommittee recommends the Board of Commissioners reallocate $95,235.64 in ARPA funding to similar ARPA eligible projects previously obligated before the obligation deadline of December 31, 2024, and revise the ARPA Grant Ordinance to reflect the transfer appropriation.

Transfer Appropriation

From

475-431100-861500-27008	Maiden Loop Water	$29,488.34
475-431150-989100-28001	SECC S NC 16 Water	$65,747.30

To

475-431100-989100-21028	Hickory/Catawba WWTP Expansion	$95,235.64

ORDINANCE# 2026 - __

Grant Project Ordinance for Catawba County American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds

BE IT ORDAINED by the Catawba County Board of Commissioners, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1: This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLFRF). Catawba County has received a total allocation of $30,990,911. These funds may be used for the following categories of expenditures, to the extent authorized by state law:

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Section 2: The following amounts are planned by project with revenues and expenses previously appropriated or planned in upcoming budget actions for the project:

Internal Grant Project Code	Project Name	Expenditure Category (EC)	Cost Object	Appropriation / Commitment of CSLFRF	Date of Board Appropriation or Planned Action
1.4.EMS-Sterilization	EMS Sterilization / Disinfectant	1.4	Operating	$21,010.92	11/17/21, closed 8/7/23
1.4.HVACDSSMain	HVAC upgrade Social Services	1.4	Capital	$479,811.00	8/7/2023, reduced 8/4/24
1.4.HVACLibMain	HVAC upgrade Newton Library	1.4	Capital	$283,773.00	11/21/22, closed 8/4/24
1.4.JailBodyScan	Jail Body Scan Machine	1.4	Capital	$169,500.00	11/17/21
1.4.PSInventorySystm	Public Safety Inventory System	1.4	Contract / Services	$15,800.00	11/17/21
1.6 HealthcareClaims	COVID-19 Healthcare Claims FY21-22	1.6	Contract /Services	$598,943.00	9/19/22
1.7 AmbulRemounts	Ambulance Remounts (4)	1.7	Capital	$835,605.23	9/19/22 & 4/17/23, closed 8/4/24
1.7.Radios Upgrade	Emergency Response Radios	1.4	Capital	$975,000.00	11/21/22

3.1.EMS.Supv	EMS Supervisors	3.1	Salaries & Benefits	$218,023.00	$188,000 on 11/17/21; FY22/23 Budget; closed 8/7/23
			Capital	$63,418.00	
3.1.NarcOfficers	Narcotics Officers	3.1	Salaries & Benefits	$238,837.82	$225,000 on 11/17/21; FY22/23 Budget; closed 8/7/23
			Operating	$19,308.04	
			Capital	$71,027.31	
3.2.Hire/Rehire	Hire / Rehire Above Pre-Pandemic Base	3.2	Salaries / Benefits	$6,894,969.70	4/17/23; 7/1/23, FY23/24 Budget & 8/7/23 ordinance, 3/4/24, 7/1/24 FY24/25 Budget & 8/4/24 ordinance; 12/2/24
5.11.BuffShlsRdWater	Buffalo Shoals Road Water	5.11	Capital Project # 28004	$256,000.00	8/1/22, reduced 8/4/24
5.11.MaidenWater	Maiden Loop Water	5.11	Capital Project # 27008	$1,480,511.66	FY23/24 Budget - ordinance 8/7/23, reduced 11/2/26
5.11.NC16Water	Old Hwy 16 Waterline	5.11	Capital Project # 28001	$2,489,200.59	11/1/2021, 8/4/24, reduced 11/2/26
5.19.BrdbndGREAT-Lumen	Broadband Expansion-GREAT Grant Match	5.19	Funding Match-GREAT Grant	$800,000.00	9/19/22; 8/7/23
5.2 Hky/Catawba WWTF	Hickory/Catawba WWTF Expansion	5.2	Capital Project # 21028	$1,495,235.64	11/7/22, reduced 8/4/24, increased 11/2/26
5.2.McLinSwr/ Clarmnt	McLin Creek Sewer Extension - Claremont	5.2	Capital Project # 23005	$3,500,000.00	11/1/21; 5/16/22; 8/1/22
5.21.BrdbndAssess	Broadband Assessment and Mapping	5.19	Contract / Services	$49,750.00	FY21/22 Budget, reduced 4/17/23
6.1.Provision of Government Services	Revenue Replacement	6.1	Salaries / Benefits	$10,000,000.00	5/16/22
7.1.GrantsMgr	Grants Manager	7.1	Salaries & Benefits	$35,186.09	$49,000 on 11/17/21; FY22/23 Budget, closed 8/7/23
	Assigned			$30,990,911.00	

	Unassigned			$0.00	
	Total			$30,990,911.00	

Section 3: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements.

Section 4: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk.

Section 5: This grant project ordinance expires on December 31, 2026, or when all the CSLFRF have been obligated and expended by the County, whichever occurs sooner.

This the 2nd day of November, 2026.

[Seal]

_____
C. Randall Isenhower, Chairman
Catawba County Board of Commissioners

Attest:

_____
Dale R. Stiles, Clerk
Catawba County Board of Commissioners

MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Chris Timberlake, Planning Director

DATE: November 2, 2026

IN RE: Solid Waste Ordinance Revisions – Second Reading

REQUEST

Staff requests the Board of Commissioners conduct a second reading and consider adopting proposed revisions to Chapter 32 – Solid Waste of the Catawba County Code of Ordinances, which inserts the entire Abandoned and Junk Vehicles section of regulations previously included in the Unified Development Ordinance.

REVIEW/BACKGROUND

On October 19, 2026 the Board of Commissioners adopted an update to the County's Unified Development Ordinance (UDO). The previous version of the UDO included a section on code enforcement rules and regulations related to Abandoned and Junk Vehicles. Through the UDO update process, the decision was made to relocate this entire section from the UDO to the County Code of Ordinances. There are no substantive changes proposed to the content of the regulations; this is just a reorganization of where this chapter fits into the overarching County regulatory framework.

The BOC approved this proposed change at its meeting on October 19. However, because not all BOC members were present for the vote, this item requires a second consideration before the BOC before becoming effective.

RECOMMENDATION

Staff requests the Board of Commissioners conduct a second reading and consider adopting proposed revisions to Chapter 32 – Solid Waste of the Catawba County Code of Ordinances, which inserts the entire Abandoned and Junk Vehicles section of regulations previously included in the Unified Development Ordinance.

Chapter 32 SOLID WASTE MANAGEMENT[1]

Article I. Solid Waste

Sec. 32-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beneficial Fill means fill material consisting only of inert debris limited to concrete, brick, concrete block, used pavement asphalt, uncontaminated soil, rock, and gravel. The fill activity involves no excavation, and the purpose of the fill is to improve land use potential. Construction and Demolition Debris and land-clearing debris are not beneficial fill material.

Cell means compacted solid waste completely enveloped by a compacted cover material.

Construction and/or Demolition Debris means solid waste resulting solely from construction, remodeling, repair or demolition operations on buildings or other structures, but does not include inert, land-clearing or yard trash debris. Roofing shingles are considered Construction or Demolition Debris.

Demolition Debris means solid waste resulting solely from demolition of buildings or other structures, but does not include inert, land-clearing or yard trash debris. Roofing shingles are considered Demolition Debris.

Disposal means discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

Division means the director of the division of solid waste management or the director's authorized representative.

Division of Solid Waste Management means the state department of environment, health, and natural resources, solid waste management division, solid waste section.

Domesticated Animal means any of various animals, such as cats, dogs, cows, hogs, horses, sheep, etc., domesticated by man to live and breed in a tame condition.

Garbage means solid waste, including vegetable matter, animal offal, carcasses of animals, and recognizable industrial byproducts, but excluding human body waste and animal manure. Used milk cartons or other discarded food containers are included in this definition.

Hazardous Waste means a solid waste or combination of solid wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

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

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[1]Editor's note(s)—Ord. No. 2012-18, adopted November 19, 2012, repealed former ch. 32, §§ 32-1—32-10, 32-36—32-38, 32-66—32-68, and 32-96—32-98, and enacted a new ch. 32. Former ch. 32 pertained to similar subject matter and derived from the Code of 1995, §§ 505.01—505.10, 505.40—505.42, 505.60, 505.61, 505.75, and 505.80—505.82.

Cross reference(s)—Buildings and building regulations, ch. 8; environment, ch. 16; water and sewer, ch. 42.

State law reference(s)—Solid waste management generally, G.S. 130A-290 et seq.; solid waste management plans, G.S. 130A-294; authority to enact ordinances governing the removal, method and manner of disposal, depositing or dumping trash, debris, garbage or litter, G.S. 153A-132.1; authority to regulate the storage, collection, transportation, use, disposal of solid wastes, G.S. 153A-136; special provisions for solid waste collection and disposal, G.S. 153A-291 et seq.; solid waste management, 15A N.C. Admin. Code 13B.0101 et seq.

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

Health Director means the county health director or his duly authorized representative.

Inert Debris means solid waste which consists solely of material that is virtually inert, such as brick, concrete, used pavement asphalt, rock, and clean soil, but does not include Construction and Demolition Debris.

Junk Dealer means any person who is licensed to operate a junkyard as specified in chapter 44 of this Code regulating junkyards and junk dealers.

Land-Clearing Debris means solid waste which is generated solely from land-clearing activities, such as stumps, trees, limbs, brush, grass and other naturally occurring vegetative material.

Leachate means any liquid, including any suspended components in liquid that has percolated through or drained from solid waste.

Open Burning means any fire where the products of combustion are emitted directly into the outdoor atmosphere and are not directed through a stack or chimney, incinerator, or other similar devices.

Open Dump means a solid waste disposal site that does not have a license and/or does not comply with the rules set forth in G.S. 130A-294, the state solid waste management program, or in this chapter; a consolidation of solid waste from one or more sources at an illegal disposal site which may have unsanitary conditions and little or no cover.

Person means any individual, firm, governmental unit, organization, partnership, corporation, company or other legal entity.

Premises means each single residential dwelling unit housed in a building used for residential purposes, or manufactured home, or a structure used for residential purposes on any property. The term "premises" also means each unit contained in any structure serving a separate owner, tenant, lessee, or used for any purpose other than residential.

Sanitary Landfill means a method of disposing of solid waste on land in a sanitary manner without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of compacted earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

Solid Waste means any hazardous or nonhazardous garbage, refuse; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; domestic sewage and sludge generated in a sanitary sewage collection, treatment and disposal systems; mobile homes or other dwellings in a state of decay, destruction, or extreme disrepair which appear to have been abandoned for residential purposes, including mobile homes that have been stripped or partially dismantled; and other material that is either discarded or 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 the following:

(1) Fowl and animal fecal waste;

(2) Solid or dissolved material in:

a. Domestic sewage and sludge generated in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluent to the surface waters.

b. Irrigation return flows means water which was artificially supplied for irrigation of land and has returned to a former place or state by reversed flow or negative pressure. Such water may contain chemicals or contaminants.

c. Wastewater discharges and the sludge generated by the treatment which are point sources subject to licenses granted under Section 402 of the Federal Water Pollution Control Act, as amended, and permits granted under G.S. 143-215.1 by the environmental management commission; except that

any sludge that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580), as amended, shall also be a solid waste for the purposes of this chapter.

(3) Oils and other liquid hydrocarbons controlled under G.S. 143-215.75—143-215.104AA; except that any such oils or other liquid hydrocarbons that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580), as amended, shall also be a solid waste for the purposes of this chapter;

(4) Any radioactive material as defined by the North Carolina Radiation Protection Act, G.S. 104E-1—104E-29; or

(5) Mining refuse covered by the North Carolina Mining Act, G.S. 74-46—74-68, and regulated by the state mining commission, as defined under G.S. 143B-290; except that any specific mining waste that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580), as amended, shall also be a solid waste for the purposes of this chapter.

Spoiled Food means any food which has been removed from sale by the United States Department of Agriculture, the state department of agriculture, the Food and Drug Administration, or any other regulatory agency having jurisdiction in determining that food is unfit for consumption.

State means the North Carolina Department of Environment and Natural Resources (NCDENR) or any other department that may be responsible for the enforcement of solid waste.

White Goods means inoperative and discarded refrigerators, ranges, water heaters, freezers, ovens, dishwashers, and other similar domestic or commercial large appliances.

Yard Trash means solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, and similar vegetative material.

Yard Waste includes both yard trash and land-clearing debris, as defined in G.S. 130A-290, including stumps, limbs, leaves, grass, and untreated wood.

(Ord. No. 2012-18, 11-19-2012)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 32-2. Exclusive collection licenses.

For the purpose of providing for proper collection, transportation, and disposal of solid waste within the County, the Board of Commissioners may create specific geographic areas where exclusive collection licenses may be granted.

(Ord. No. 2012-18, 11-19-2012)

Sec. 32-3. Licenses.

(a) Pursuant to G.S. 153A-46 and 153A-136, the Board of Commissioners may grant a license to any person to engage in the collection and disposal of Solid Waste. The Board may grant a license under this chapter for the exclusive right to collect, transport, and dispose of solid waste for compensation within the entire County or within specified areas of the County and may prohibit unauthorized persons from engaging in the same service within the area where the exclusive right has been granted. The license shall be displayed at the licensee's place of business.

(b) All applicants for a license to collect, transport, store, and dispose of Solid Waste and recyclable materials and own and operate a materials recovery facility shall file written application with the county manager on or before one year prior to the expiration of the existing franchise contract and shall furnish the following information:

(1) The name and address of the applicant and the nature of the business entity with full disclosure of all ownership interests.

(2) A list of the equipment possessed, available, or to be obtained by the applicant.

(3) The number of employees the applicant expects to use in the operation of the business.

(4) Previous experience of the applicant in solid waste collection, transport, disposal, and materials facility recovery management.

(5) A balance sheet or equivalent financial statement prepared by a certified public accountant or other person satisfactory to the Board of Commissioners as of the close of the applicant's last business year, showing the net worth of the business. All such financial data submitted in compliance with the requirements of this subsection shall be confidential and shall not be regarded as public information.

(6) Plan routes and areas of the County the applicant expects to serve.

(7) The schedule of fees the applicant plans to charge.

(8) Any other information the Board of Commissioners may request.

(c) If a license is withdrawn, surrendered, or a change is otherwise indicated by the parties or the operation of law, the Board of Commissioners reserves the right to review information, take application, and take the appropriate action on any other time schedule as is appropriate.

(d) The Board of Commissioners prefers a single franchise to provide all of the services stated in this section, including but not limited to collection, transportation, storage, and disposal of solid waste as well as management of a materials recovery facility, but reserves the right to enter into more than one franchise agreement with each element of the solid waste service, including but not limited to collection, transportation, storage, and disposal of solid waste as well as management of a materials recovery facility.

(e) Existing contracts shall be subject to a yearly review with the information designated in subsection (b) of this section being presented to the county manager upon his request at any time during the fiscal year when a franchise contract is in operation.

(f) The county manager may bring before the Board of Commissioners applications for licenses and/or a review of existing contracts to collect, transport, and dispose of solid waste and own and operate a materials recovery facility at least six months prior to the expiration of an existing franchise agreement. The Board of Commissioners shall award an exclusive license for the collection of solid waste in each of the areas. The term of the license shall not exceed 30 years from the effective date and is renewable.

(g) The Board of Commissioners reserves the right to receive applications for licenses and the right to create additional areas out of any one or more of the areas previously designated. Applications must be filed with the county manager at least 90 days prior to the board meeting at which the application will be reviewed.

(h) The county manager may temporarily suspend any license granted if the licensee fails or is unable to properly perform the duties covered by the license and contract. The licensee may request in writing to the county manager a hearing before the Board of Commissioners in order that the licensee may justify why such license should not be revoked. Such requests shall be received by the county manager no later than ten calendar days following notice of license suspension. After hearing the appeal, the Board of Commissioners shall revoke or reinstate the license.

(i) If a license has been revoked pursuant to subsection (h) of this section or surrendered by the licensee, the county manager shall receive applications for the area involved. The Board of Commissioners may grant a license to an applicant at the expiration of the appeal process in subsection (h) of this section. The license shall commence on the date of the meeting and end the subsequent June 30.

(j) The licensee shall serve every person who contracts with it for solid waste collection in such a manner that the licensee does not cause the person to be in violation of this chapter. The licensee shall not discriminate against

any person for contract purposes in violation of the Civil Rights Act, as amended, on the basis of race, color, creed, religion, national origin, physical impairment, or sex.

(k) Before the County issues a license pursuant to this chapter, the county manager shall determine that all facilities, equipment, and proposed operating methods the applicant plans to use in the solid waste collection business are in compliance with this chapter and applicable regulations of the state.

(l) It shall be unlawful for any person to engage in the business of collecting, transporting, and disposing of solid waste, outside of any municipality, but within any of the areas in the County set out in this section, except under the authority in full force and effect given by a license as provided for in this section.

(Ord. No. 2012-18, 11-19-2012)

Sec. 32-4. Fees.

(a) All residential, commercial, industrial, and special haul service rates imposed pursuant to this chapter shall be approved by the Board of Commissioners.

(b) The licensee shall be responsible for the collection of all fees for its services to be rendered to the citizens and customers within its assigned area.

(c) The licensee shall collect and the customer shall pay a monthly fee, approved by the Board of Commissioners, for roadside collection and disposal of solid waste and for collection of materials separated for recycling from the customer's premises at least once a week.

(d) The licensee shall provide special haul services to all persons within the County, at a rate approved by the Board of Commissioners.

(e) For additional services and for commercial customers, the customer and the licensee may enter into an agreement satisfactory to them as to fees and the services to be rendered. If a licensee and customer are unable to agree upon the special services to be rendered and the remuneration to be paid therefor, the Board of Commissioners will, upon application of either the licensee or the customer or both of them, mediate the dispute at a hearing of the matter at its next regular meeting subsequent to the expiration of not less than ten days after the applicant for a hearing has given the other party involved written notice of his intent to present the matter to the board or as soon after the expiration of the ten days as is convenient.

(f) Any change in any collection rates, whether it be residential, commercial, or special hauling, must be justified to the Board of Commissioners and approved by the board.

(g) The licensee shall serve all customers in the unincorporated areas of the County and within any territories if applicable, who request service. Services may be discontinued if a customer becomes in arrears in fees due the licensee for two months; however, the licensee shall resume services for the customer who becomes in arrears in fees upon receipt by the licensee of all fees in arrears, together with a fee in advance for the then-present month and for each subsequent month. New customers may be billed one month in advance of service.

(Ord. No. 2012-18, 11-19-2012)

Sec. 32-5. Collection and transportation of solid waste.

(a) The licensee shall be responsible for the satisfactory collection and transportation of all solid waste to a County-operated disposal site or facility.

(b) Vehicles or solid waste containers used by the licensee for the collection and transportation of garbage or refuse containing garbage shall be covered, leak-proof, durable and of easily cleanable construction. These shall be cleaned as often as necessary but not less than twice a year to prevent a nuisance or insect breeding and shall be maintained in good repair. The licensee shall have adequate solid waste containers and vehicle

cleaning facilities. The licensee shall close all lids on solid waste containers after the containers are emptied and shall plug all drains in solid waste containers where required by local and state regulations. Vehicles shall display, in three-inch letters, the name and address of the hauler and the cubic yardage of the vehicles.

(c) Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill and shall be adequately secured and/or covered to prevent spillage. Should spillage occur, the material shall be recovered immediately by the solid waste hauler and returned to the vehicle or container and the area properly cleaned.

(d) The licensee shall maintain in its employment a sufficient number of employees to adequately serve the area assigned to it and shall own and control sufficient equipment and machinery to perform the duties and services of collecting, transporting and disposing of the solid waste in the County.

(e) The licensee shall be responsible for actively campaigning for new customers by using all available sources and for working toward the goal of 100 percent collection in its designated area.

(Ord. No. 2012-18, 11-19-2012)

Sec. 32-6. Storage, accumulation and disposal of garbage and solid waste.

(a) No owner, occupant, tenant, or lessee of any property shall deposit, store, or license to accumulate any garbage or solid waste upon such property that is not stored or disposed of in the following manner:

(1) It shall be unlawful for any person to store any garbage in any container that is not durable, rust-resistant, nonabsorbent, watertight, rodent-proof, and easily cleanable with a close-fitting, fly-tight cover in place with adequate handles or bails to facilitate handling, not to exceed a 96-gallon capacity, or other types of containers conforming to the intent of this chapter. It shall also be unlawful for any person to store garbage of a perishable or offensive nature for more than one week in any type of container.

(2) Solid waste or garbage shall not be deposited, stored, or licensed to accumulate on any property in such a manner that it will provide food or harborage for rodents and vermin or will create a fire or safety hazard.

(3) It shall be unlawful for any occupant of any dwelling or dwelling unit to place or leave outside of any building longer than 72 hours any dilapidated furniture, icebox, refrigerator, stove or other appliance, machinery, equipment, building material, or other item which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition, or which in the opinion of the health director constitutes a potential public health problem. This section shall not apply to a licensed junk dealer.

(4) It shall be unlawful for any person to leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind in which a child could get into. An acceptable alternative is to crate, strap, or lock the discarded container to such an extent that it is impossible for a child to obtain access.

(5) No person shall throw, dump, deposit or cause to be thrown, dumped, or deposited solid waste on property owned by the person, another person, or on any public highway, street or road; upon public parks or recreation areas; or upon any other public property except property specifically designated for that use.

(6) It shall be unlawful for any person to dispose of garbage or solid waste at any place other than in a manner approved by law. Acceptable means of solid waste disposal includes the following:

a. Contracting with a County-licensed, franchised solid waste disposal service.

b. Hauling garbage and solid waste to a public sanitary landfill site or designated County-owned solid waste convenience centers (residential waste only).

c. Burning solid waste in an incinerator that has all required local, state, and federal air pollution control licenses.

d. By any other method, including reclamation and recycling processes, that has been approved by the state.

(7) Where there are five or more premises located in a residential building or manufactured home park, it shall be the responsibility of the owner or person in charge of each building or manufactured home park to contract with the licensed, franchised solid waste disposal service and to pay for the regular collection of all garbage from each premises. It is the responsibility of the owner or person managing rental property to see that the residents dispose of their garbage in a lawful manner.

(b) Any landfill located in the County shall be operated according to rules and regulations providing standards for solid waste disposal adopted by the state, North Carolina Administrative Code (NCAC), title 15A, chapter 13, Solid waste management. The operational requirements for a sanitary landfill as outlined in the NCAC title 15A, chapter 13, Solid waste management, or as amended, are made a part of this chapter by reference.

(c) The sanitary landfill of the County may be used for the disposal of solid wastes by any person who is a resident of the County during regular hours of operation of the landfill. Solid wastes shall be disposed of at the landfill in the manner and according to the procedures required by the landfill manager. The following wastes may not be disposed of in the landfill:

(1) Radioactive wastes.

(2) Hazardous wastes.

(3) Infectious wastes.

(4) Wet sludge which has no presence of any free liquids in a representative sample of waste as determined by USEPA Method 9095B, paint filter liquids test and in compliance with 40 CFR 264.314 and 265.314.

(5) Any solid waste that creates a difficult operational problem at the landfill.

(6) Burning material.

(7) Dead animals in large quantities.

(8) Lead-acid batteries.

(9) Used oil.

(10) Yard trash, except in a container marked and designated for landfills qualified to accept such waste as described by the appropriate regulations promulgated by state waste management or other appropriate governmental entities.

(11) White goods.

(12) Antifreeze.

(13) Beverage cans.

(14) Liquid wastes.

(15) Tires.

(16) Construction and demolition wastes.

(17) Infectious, hazardous, and radioactive wastes, which shall be disposed of according to written procedures approved by the state.

(18) Motor vehicle oil filters.

(19) Recyclable rigid plastic containers.

(20) Wooden pallets.

(21) Oyster shells.

(22) Discarded computer equipment.

(23) Discarded televisions.

(24) Any other material prohibited by state or federal law.

(d) A person operating or having operated an open dump for disposal of solid waste or a person who owns land on which such an open dump is or has been operating shall immediately close the site in accordance with the state, which is as follows:

(1) Implement effective vector control, including baiting for at least two weeks after closing, to prevent vector migration to adjacent properties.

(2) If the site is deemed suitable by the state, compact and cover existing solid waste in place with two feet or more of suitable compacted earth; a condition of closing the site by compacting and covering the waste in place shall be recordation of the waste disposal location by the property owner with the register of deeds in the County where the land lies. Copies of the recordation procedure may be obtained from and inspected at the state.

(3) If the site is deemed unsuitable by the state, remove and place solid waste in an approved disposal site or facility.

(4) Implement erosion control measures by grading and seeding.

(5) Prevent unauthorized entry to the site by means of gates, chains, berms, fences, and other security measures approved by the state and post signs indicating closure for a period designated by the state.

All persons failing to comply with this subsection (d) shall be guilty of a misdemeanor and punished in accordance with section 1-14 of this Code with each day that the violation continues to exist being considered a separate and distinct offense until the dumping site has been corrected as required.

(e) All persons using sanitary landfills or solid waste containers operated by the County shall abide by the rules and regulations governing their use, and a violation of such rules and regulations shall constitute a violation of this chapter and violators may be punished in accordance with section 1-14 of this Code in the discretion of the court with each day a violation continues to exist being considered a separate and distinct offense.

(f) No building shall be erected on any land where there has been or is currently any garbage or solid waste deposited until tests are made of the property showing there is no danger in the future of settling or explosion due to methane gas being formed from the solid waste that has been deposited.

(g) Any person collecting and transporting solid waste generated on his own property for disposal at an approved disposal site shall comply with subsection 32-5(c) of this Code concerning vehicles and containers.

(h) There shall be no open burning of solid waste or garbage by any person.

(i) Use of solid waste containers shall be in accordance with the following:

(1) Solid waste convenience centers are maintained at numerous sites throughout the County for the convenience of County residents on land owned or leased by the County. Solid wastes may be deposited in the solid waste convenience centers only in accordance with this chapter.

(2) All solid waste shall be deposited inside the solid waste convenience centers. No solid waste may be left at the solid waste disposal site outside the convenience center.

(3) Commercial, industrial, and institutional solid wastes may not be deposited in the County-owned solid waste convenience centers.

(4) The following wastes may not be deposited in solid waste containers:

a. Radioactive wastes.

b. Hazardous waste.

c. Infectious wastes.

d. Wet sludge which has no presence of any free liquids in a representative sample of waste as determined by USEPA Method 9095B, paint filter liquids test and in compliance with 40 CFR 264.314 and 265.314.

e. Any solid waste that creates a difficult operational problem at the landfill.

f. Burning material.

g. Dead animals in large quantities.

h. Lead-acid batteries.

i. Used oil.

j. Yard trash, except in a container marked and designated for landfills qualified to accept such waste as described by the appropriate regulations promulgated by state waste management or other appropriate governmental entities.

k. White goods.

l. Antifreeze.

m. Beverage cans.

n. Liquid wastes.

o. Tires.

p. Construction and demolition wastes.

q. Infectious, hazardous, and radioactive wastes, which shall be disposed of according to written procedures approved by the state.

r. Motor vehicle oil filters.

s. Recyclable rigid plastic containers

t. Wooden pallets

u. Oyster shells

v. Discarded computer equipment

w. Discarded televisions

x. Any other material prohibited by state or federal law.

No person may remove any item from a solid waste container, climb on or into a container, damage, or willfully set fire to or attempt to set fire to contents of a container.

(j) *Disposal of waste tires.* The uncontrolled storage and/or disposal of waste tires presents a health and safety hazard. Tires are not suitable for burial in a sanitary landfill nor for burning in a municipal solid waste incinerator. All waste tires in the County must be delivered to a County landfill or other collection point designated by the landfill manager and deposited there to be transported to a tire disposal facility where they can be disposed of in an environmentally acceptable way. This subsection is not intended to prevent any individual, company, or other entity from developing an environmentally acceptable method for tire disposal. Any such proposal for an alternate disposal method shall be submitted to the department of utilities and engineering for review and final approval by the Board of Commissioners.

(k) *Disposal of dead animals.* It shall be the duty of the owner or person in charge of any domesticated animal which dies of any cause and the owner, lessee, or person in charge of any land upon which any domesticated animal dies to bury the animal to a depth of at least three feet beneath the surface of the ground within 24 hours after knowledge of the death of the domesticated animal or to otherwise dispose of the animal in a

manner approved by the state veterinarian. It shall be a violation of G.S. 106-403 to bury any dead domesticated animal closer than 300 feet to any flowing stream or public body of water. Dead animals may be disposed of at the County landfill for a fee as prescribed by the Board of Commissioners, Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. The state department of transportation (DOT) has jurisdiction over the disposal of any dead animal located on or within the state department of transportation's right-of-way. All costs incurred by a municipality or County in the removal of a dead domesticated animal shall be recoverable from the owner of such animal or from the owner, lessee, or person in charge of the land upon which the animal was illegally disposed and upon admission of ownership or conviction. The term "domesticated animal" as used in this subsection shall include poultry.

(Ord. No. 2012-18, 11-19-2012; Ord. No. 2013-04, 6-3-2013)

Sec. 32-7. Bond, insurance; license fee; transferability of license; jurisdiction of chapter.

(a) The applicant, upon being awarded the right to collect and dispose of solid waste by the Board of Commissioners as provided for in this chapter, shall secure and present to the county manager a good and sufficient liability insurance policy covering and insuring the payment of such damages as may be done by the licensee to the premises or property upon which it may enter for the purpose of collecting or disposing of solid waste in an amount, not less than the amount the County carries upon itself, insuring the licensee and its employees from personal injury and property damages that may be occasioned by occupational hazards. Such policy shall contain a hold harmless clause indemnifying the County against claims made against the licensee.

(b) The licensee shall pay to the County annually a sum to be determined by the Board of Commissioners for the issuance of each license.

(c) No license existing or granted under this chapter shall be sold, assigned, pledged or transferred, nor shall control thereof be changed by stock transfer or otherwise or any rights leased, nor shall any merger of combination affecting the license be made through acquisition or control by stock purchase or otherwise, except after application for and written approval, which shall be given if justified by the facts then existing.

(d) Any and every license issued shall be subject to this chapter and as it may be amended from time to time, except any amendment that may be made from time to time affecting the duration of a license existing at the time of the enactment of the amendment. Any license transferred or assigned without the express written authority of the Board of Commissioners shall be void and of no effect, and any collection is in violation of this chapter.

(Ord. No. 2012-18, 11-19-2012)

Sec. 32-8. Violations and penalties.

(a) *Criminal penalty.* Any person violating this chapter shall be guilty of a misdemeanor punishable in accordance with section 1-14 of this Code.

(b) *Civil penalty.* Any person who is found in violation of this chapter shall be subject to a civil penalty of not more than $500.00 as provided by G.S. 153A-123. Each day's violation shall be treated as a separate offense.

(c) *Equitable remedies.* This chapter may be enforced by equitable remedies in accordance with G.S. 153A-123 or 153A-140.

(Ord. No. 2012-18, 11-19-2012)

Sec. 32-9. Reservation of rights.

The Board of Commissioners expressly reserves the right to require the source separation of materials from solid waste prior to collection of the solid waste for disposal and require participation in a recycling program which has been approved by the Board of Commissioners.

(Ord. No. 2012-18, 11-19-2012)

Sec. 32-10 - 32-20. Reserved.

ARTICLE II. ABANDONED AND JUNKED VEHICLES

Purpose: This article shall be known as the "Abandoned and Junked Vehicle Chapter for Catawba County" and may be referred to as the "abandoned and junked vehicle chapter."

DIVISION 1. GENERALLY[2]

Sec. 32-21. Authority and purpose.

This article is enacted pursuant to the powers granted to the county by G.S. 153A-121, 153A-132 and 153A-132.2. The purpose of this article is to protect the health, safety and general welfare of the citizens of the county, natural scenic beauty, and property values, of the county from potential adverse effects caused by the proliferation and improper disposal of junked motor vehicles.

(Ord. No. 2021-05, 6-21-2021)

Sec. 32-22. Jurisdiction.

In accordance with G.S. 153A-122, this article applies to, and is enforceable in, unincorporated part of the county and areas within the city's extraterritorial jurisdiction (ETJ) jurisdiction. However, the governing board of any city within the County may by resolution permit this article to be enforced within the city. The board of commissioners may approve to accept a resolution by the city to set the date and terms of enforcement of this article within the city. The city may, by resolution, withdraw its permission to enforce this article within the city. The city must give the county at least 30 days advance, written notice of its intent to withdraw permission.

(Ord. No. 2021-05, 6-21-2021)

Sec. 32-23. Administration.

The Planning Director is responsible for the administration and enforcement of the provisions of this article.

(Ord. No. 2021-05, 6-21-2021)

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[2]State law reference(s)—Authority to prohibit the abandonment of motor vehicles on public ground and private property, G.S. 153A-132; authority to abate nuisances, G.S. 153A-140.

Sec. 32-24. Definitions.

The following definitions apply unless the context clearly indicates or requires a different meaning.

Abandoned vehicle means any motor vehicle that is left:

(1) Upon a public street or highway in violation of a law or chapter prohibiting parking;

(2) On a public street or highway for longer than seven days;

(3) On property owned or operated by the county for longer than 24 hours; or

(4) On private property without the consent of the owner, occupant or lessee, for longer than two hours.

Enclosed building means a garage or building structure that provides a complete enclosure (all sides of building enclosed) so that the contents of the building cannot be seen from a street or from adjacent property.

Junked motor vehicle means any motor vehicle that does not display a current North Carolina license plate that:

(1) Is partially dismantled or wrecked;

(2) Cannot be self-propelled or moved in the manner in which it originally was intended to move. This includes dismantled truck trailers or truck bed boxes which were originally attached to a motorized vehicle; or

(3) Is more than five years old and appears to be worth less than $100.00.

Magistrate means the magistrate for the county or in any other office designated to receive requests by the chief district court judge.

Motor vehicle or *vehicle* means all machines designed or intended to travel over land or water by self-propulsion or while attached to a self-propelled vehicle.

Nuisance vehicle means a vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

(1) A breeding ground, nest or harbor for mosquitoes, other insects, rats or other pests;

(2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;

(3) A point of collection of pools or ponds of water;

(4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials;

(5) Having areas of confinement that cannot be opened or in the alternative, operated from the inside of the area of confinement, such as trunks, hoods, etc.;

(6) So situated or located that there is a danger of the vehicle falling, dislodging or turning over;

(7) A point of collection of refuse, trash, garbage, food waste, animal waste, or any other rotten or decaying matter of any kind;

(8) Having parts which are jagged or contain sharp edges of metal, plastic or glass; or

(9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the planning director.

Planning director means the planning director or designee, for the county.

Sheriff means the sheriff of the county.

Vector means any organism that carries disease-causing microorganisms from one host to another (i.e. rats, mosquitoes, etc.).

(Ord. No. 2021-05, 6-21-2021)

DIVISION 2. REGULATIONS

Sec. 32-25. Abandoned Vehicle Unlawful; Removal Authorized.

(a) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the public property after it has been declared an abandoned vehicle.

(b) If a motor vehicle is abandoned on public property, the board of commissioners may direct the sheriff, or designee to removal the vehicle to a designated storage area determined by the sheriff.

(Ord. No. 2021-05, 6-21-2021)

Sec. 32-26. Nuisance Vehicle Unlawful; Removal Authorized.

(a) It shall be unlawful for the registered owner, or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located, to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(b) Upon investigation, the planning director may determine and declare that a vehicle is a health or safety hazard and therefore a nuisance vehicle, and order the vehicle removed. Notice of the planning director's determination may be combined with any other notices required under this article. Notices shall be provided to the registered owner or person entitled to possession of the motor vehicle and/or the owner, lessee or occupant of the real property by first class mail except in situations where a name and address cannot be ascertained, notice may be given by affixation on the windshield or some other conspicuous place on the vehicle.

(c) In cases where it is impractical or impossible to find and/or prosecute the responsible party, the County may, at its discretion, have the vehicle towed in accordance with G.S. 153A-132.

(Ord. No. 2021-05, 6-21-2021)

Sec. 32-27. Right to Enter Premises.

The planning director shall have the right, upon presentation of proper credentials and identification, to enter any premises within the jurisdiction of this article during daylight hours to determine if any vehicle is in violation of this chapter.

(Ord. No. 2021-05, 6-21-2021)

Sec. 32-28. Junked Motor Vehicles Regulated; Removal Authorized.

(a) All junked vehicles must be kept in a garage or building structure that provides a complete enclosure so that vehicle(s) cannot be seen from a public street or from adjacent property. For purposes of this chapter, a garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations. A carport shall not be treated as an acceptable garage or enclosure under this chapter.

(b) It shall be unlawful for the registered owner, or person entitled to the possession of a junked motor vehicle, to place, store, leave or allow a vehicle to remain on any property in violation of this chapter or to allow a vehicle to remain on any property after the vehicle has been ordered removed from that property.

(c) It shall be unlawful for the owner, lessee or occupant of the real property, upon which a junked motor vehicle is located, to leave, or allow the vehicle to remain on the property in violation of this chapter after the vehicle has been ordered removed.

(Ord. No. 2021-05, 6-21-2021)

Sec. 32-29. Enforcement Provisions.

The planning director shall enforce this chapter. He may call upon other agencies as necessary to assist in the enforcement of this chapter.

(1) Whenever the planning director receives a complaint alleging a violation of this chapter, he shall investigate the complaint and take whatever action is warranted.

(2) The owner, tenant, or occupant of any building or land, and agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and be subject to all penalties and remedies.

(3) Upon discovery of a violation, the following procedures apply:

a. The planning director shall send a written notice to the person responsible for such violation, indicating the nature of the violation, the action necessary to correct it, and the number of days within which the violation must be corrected.

b. In cases that pose an immediate danger to the public's health, safety, or general welfare, the planning director may seek enforcement without proper written notice by invoking any of the penalties or remedies authorized in this section.

(4) The county may assess the following civil and criminal penalties:

a. A violation subjects the violator to a civil penalty in the amount of $50.00. Each day's continuing violation is a separate and distinct offense.

b. Reserved.

c. In addition to the foregoing enforcement provisions, this article may be enforced by any remedy provided in G.S. 153A-123. Each day's continuing violation is a separate and distinct offense.

(Ord. No. 2021-05, 6-21-2021; Ord. No. 2022-03, 2-7-2022)

Sec. 32-30. No Liability.

The county, or any person acting on behalf of the county in the enforcement of this article, may not be held to answer in a civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, junked, lost or stolen vehicle for the enforcement of this chapter.

(Ord. No. 2021-05, 6-21-2021)

Sec. 32-31. Exceptions.

This article does not apply to any motor vehicle that is located:

(1) In an enclosed building;

(2) On the premises of a business enterprise being legally maintained and operated primarily for the purpose of making repairs to motor vehicles or wholesale or retail sales of items or parts routinely used in motor vehicles, in a lawful place and manner if the vehicle is necessary to the operation of the business;

(3) On the premises of a business enterprise being operated in a legally zoned place and manner if the vehicle is necessary in the operation of the enterprise or needed in the operation of a bona fide farm; or

(4) In an appropriate storage place or depository maintained by the county.

(Ord. No. 2021-05, 6-21-2021)

Sec. 32-32. Changes in State Law.

Should G.S. ch. 153A and G.S. 153A-132.2, or any other section of the general statues incorporated herein by reference or otherwise referred to herein be changed or amended, or should such statutes require or mandate a different procedure or change or impose new, different or additional requirements, then, in that event, this chapter shall be deemed to have been amended without further action to have complied with such new, additional or amended requirements.

(Ord. No. 2021-05, 6-21-2021)

ORDINANCE 2026-11

BE IT ORDAINED, that the Catawba County Code of Ordinances, Chapter 32, Solid Waste Management, be amended in its entirety to read as follows:

Chapter 32 Solid Waste Management

Article I-Solid Waste

Sec. 32-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beneficial Fill means fill material consisting only of inert debris limited to concrete, brick, concrete block, used pavement asphalt, uncontaminated soil, rock, and gravel. The fill activity involves no excavation, and the purpose of the fill is to improve land use potential. Construction and Demolition Debris and land-clearing debris are not beneficial fill material.

Cell means compacted solid waste completely enveloped by a compacted cover material.

Construction and/or Demolition Debris means solid waste resulting solely from construction, remodeling, repair or demolition operations on buildings or other structures, but does not include inert, land-clearing or yard trash debris. Roofing shingles are considered Construction or Demolition Debris.

Demolition Debris means solid waste resulting solely from demolition of buildings or other structures, but does not include inert, land-clearing or yard trash debris. Roofing shingles are considered Demolition Debris.

Disposal means discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

Division means the director of the division of solid waste management or the director's authorized representative.

Division of Solid Waste Management means the state department of environment, health, and natural resources, solid waste management division, solid waste section.

Domesticated Animal means any of various animals, such as cats, dogs, cows, hogs, horses, sheep, etc., domesticated by man to live and breed in a tame condition.

Garbage means solid waste, including vegetable matter, animal offal, carcasses of animals, and recognizable industrial byproducts, but excluding human body waste and animal manure. Used milk cartons or other discarded food containers are included in this definition.

Hazardous Waste means a solid waste or combination of solid wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

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

[1]Editor's note(s)—Ord. No. 2012-18, adopted November 19, 2012, repealed former ch. 32, §§ 32-1—32-10, 32-36—32-38, 32-66—32-68, and 32-96—32-98, and enacted a new ch. 32. Former ch. 32 pertained to similar subject matter and derived from the Code of 1995, §§ 505.01—505.10, 505.40—505.42, 505.60, 505.61, 505.75, and 505.80—505.82.

Cross reference(s)—Buildings and building regulations, ch. 8; environment, ch. 16; water and sewer, ch. 42.

State law reference(s)—Solid waste management generally, G.S. 130A-290 et seq.; solid waste management plans, G.S. 130A-294; authority to enact ordinances governing the removal, method and manner of disposal, depositing or dumping trash, debris, garbage or litter, G.S. 153A-132.1; authority to regulate the storage, collection, transportation, use, disposal of solid wastes, G.S. 153A-136; special provisions for solid waste collection and disposal, G.S. 153A-291 et seq.; solid waste management, 15A N.C. Admin. Code 13B.0101 et seq.

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

Health Director means the county health director or his duly authorized representative.

Inert Debris means solid waste which consists solely of material that is virtually inert, such as brick, concrete, used pavement asphalt, rock, and clean soil, but does not include Construction and Demolition Debris.

Junk Dealer means any person who is licensed to operate a junkyard as specified in chapter 44 of this Code regulating junkyards and junk dealers.

Land-Clearing Debris means solid waste which is generated solely from land-clearing activities, such as stumps, trees, limbs, brush, grass and other naturally occurring vegetative material.

Leachate means any liquid, including any suspended components in liquid that has percolated through or drained from solid waste.

Open Burning means any fire where the products of combustion are emitted directly into the outdoor atmosphere and are not directed through a stack or chimney, incinerator, or other similar devices.

Open Dump means a solid waste disposal site that does not have a license and/or does not comply with the rules set forth in G.S. 130A-294, the state solid waste management program, or in this chapter; a consolidation of solid waste from one or more sources at an illegal disposal site which may have unsanitary conditions and little or no cover.

Person means any individual, firm, governmental unit, organization, partnership, corporation, company or other legal entity.

Premises means each single residential dwelling unit housed in a building used for residential purposes, or manufactured home, or a structure used for residential purposes on any property. The term "premises" also means each unit contained in any structure serving a separate owner, tenant, lessee, or used for any purpose other than residential.

Sanitary Landfill means a method of disposing of solid waste on land in a sanitary manner without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of compacted earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

Solid Waste means any hazardous or nonhazardous garbage, refuse; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; domestic sewage and sludge generated in a sanitary sewage collection, treatment and disposal systems; mobile homes or other dwellings in a state of decay, destruction, or extreme disrepair which appear to have been abandoned for residential purposes, including mobile homes that have been stripped or partially dismantled; and other material that is either discarded or 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 the following:

(1) Fowl and animal fecal waste;

(2) Solid or dissolved material in:

a. Domestic sewage and sludge generated in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluent to the surface waters.

b. Irrigation return flows means water which was artificially supplied for irrigation of land and has returned to a former place or state by reversed flow or negative pressure. Such water may contain chemicals or contaminants.

c. Wastewater discharges and the sludge generated by the treatment which are point sources subject to licenses granted under Section 402 of the Federal Water Pollution Control Act, as amended, and permits granted under G.S. 143-215.1 by the environmental management commission; except that

any sludge that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580), as amended, shall also be a solid waste for the purposes of this chapter.

(3) Oils and other liquid hydrocarbons controlled under G.S. 143-215.75—143-215.104AA; except that any such oils or other liquid hydrocarbons that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580), as amended, shall also be a solid waste for the purposes of this chapter;

(4) Any radioactive material as defined by the North Carolina Radiation Protection Act, G.S. 104E-1—104E-29; or

(5) Mining refuse covered by the North Carolina Mining Act, G.S. 74-46—74-68, and regulated by the state mining commission, as defined under G.S. 143B-290; except that any specific mining waste that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580), as amended, shall also be a solid waste for the purposes of this chapter.

Spoiled Food means any food which has been removed from sale by the United States Department of Agriculture, the state department of agriculture, the Food and Drug Administration, or any other regulatory agency having jurisdiction in determining that food is unfit for consumption.

State means the North Carolina Department of Environment and Natural Resources (NCDENR) or any other department that may be responsible for the enforcement of solid waste.

White Goods means inoperative and discarded refrigerators, ranges, water heaters, freezers, ovens, dishwashers, and other similar domestic or commercial large appliances.

Yard Trash means solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, and similar vegetative material.

Yard Waste includes both yard trash and land-clearing debris, as defined in G.S. 130A-290, including stumps, limbs, leaves, grass, and untreated wood.

(Ord. No. 2012-18, 11-19-2012, 10-19-2026)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 32-2. Exclusive collection licenses.

For the purpose of providing for proper collection, transportation, and disposal of solid waste within the County, the Board of Commissioners may create specific geographic areas where exclusive collection licenses may be granted.

(Ord. No. 2012-18, 11-19-2012, 10-19-2026)

Sec. 32-3. Licenses.

(a) Pursuant to G.S. 153A-46 and 153A-136, the Board of Commissioners may grant a license to any person to engage in the collection and disposal of Solid Waste. The Board may grant a license under this chapter for the exclusive right to collect, transport, and dispose of solid waste for compensation within the entire County or within specified areas of the County and may prohibit unauthorized persons from engaging in the same service within the area where the exclusive right has been granted. The license shall be displayed at the licensee's place of business.

(b) All applicants for a license to collect, transport, store, and dispose of Solid Waste and recyclable materials and own and operate a materials recovery facility shall file written application with the county manager on or before one year prior to the expiration of the existing franchise contract and shall furnish the following information:

(1) The name and address of the applicant and the nature of the business entity with full disclosure of all ownership interests.

(2) A list of the equipment possessed, available, or to be obtained by the applicant.

(3) The number of employees the applicant expects to use in the operation of the business.

(4) Previous experience of the applicant in solid waste collection, transport, disposal, and materials facility recovery management.

(5) A balance sheet or equivalent financial statement prepared by a certified public accountant or other person satisfactory to the Board of Commissioners as of the close of the applicant's last business year, showing the net worth of the business. All such financial data submitted in compliance with the requirements of this subsection shall be confidential and shall not be regarded as public information.

(6) Plan routes and areas of the County the applicant expects to serve.

(7) The schedule of fees the applicant plans to charge.

(8) Any other information the Board of Commissioners may request.

(c) If a license is withdrawn, surrendered, or a change is otherwise indicated by the parties or the operation of law, the Board of Commissioners reserves the right to review information, take application, and take the appropriate action on any other time schedule as is appropriate.

(d) The Board of Commissioners prefers a single franchise to provide all of the services stated in this section, including but not limited to collection, transportation, storage, and disposal of solid waste as well as management of a materials recovery facility, but reserves the right to enter into more than one franchise agreement with each element of the solid waste service, including but not limited to collection, transportation, storage, and disposal of solid waste as well as management of a materials recovery facility.

(e) Existing contracts shall be subject to a yearly review with the information designated in subsection (b) of this section being presented to the county manager upon his request at any time during the fiscal year when a franchise contract is in operation.

(f) The county manager may bring before the Board of Commissioners applications for licenses and/or a review of existing contracts to collect, transport, and dispose of solid waste and own and operate a materials recovery facility at least six months prior to the expiration of an existing franchise agreement. The Board of Commissioners shall award an exclusive license for the collection of solid waste in each of the areas. The term of the license shall not exceed 30 years from the effective date and is renewable.

(g) The Board of Commissioners reserves the right to receive applications for licenses and the right to create additional areas out of any one or more of the areas previously designated. Applications must be filed with the county manager at least 90 days prior to the board meeting at which the application will be reviewed.

(h) The county manager may temporarily suspend any license granted if the licensee fails or is unable to properly perform the duties covered by the license and contract. The licensee may request in writing to the county manager a hearing before the Board of Commissioners in order that the licensee may justify why such license should not be revoked. Such requests shall be received by the county manager no later than ten calendar days following notice of license suspension. After hearing the appeal, the Board of Commissioners shall revoke or reinstate the license.

(i) If a license has been revoked pursuant to subsection (h) of this section or surrendered by the licensee, the county manager shall receive applications for the area involved. The Board of Commissioners may grant a license to an applicant at the expiration of the appeal process in subsection (h) of this section. The license shall commence on the date of the meeting and end the subsequent June 30.

(j) The licensee shall serve every person who contracts with it for solid waste collection in such a manner that the licensee does not cause the person to be in violation of this chapter. The licensee shall not discriminate against

any person for contract purposes in violation of the Civil Rights Act, as amended, on the basis of race, color, creed, religion, national origin, physical impairment, or sex.

(k) Before the County issues a license pursuant to this chapter, the county manager shall determine that all facilities, equipment, and proposed operating methods the applicant plans to use in the solid waste collection business are in compliance with this chapter and applicable regulations of the state.

(l) It shall be unlawful for any person to engage in the business of collecting, transporting, and disposing of solid waste, outside of any municipality, but within any of the areas in the County set out in this section, except under the authority in full force and effect given by a license as provided for in this section.

(Ord. No. 2012-18, 11-19-2012, 10-19-2026)

Sec. 32-4. Fees.

(a) All residential, commercial, industrial, and special haul service rates imposed pursuant to this chapter shall be approved by the Board of Commissioners.

(b) The licensee shall be responsible for the collection of all fees for its services to be rendered to the citizens and customers within its assigned area.

(c) The licensee shall collect and the customer shall pay a monthly fee, approved by the Board of Commissioners, for roadside collection and disposal of solid waste and for collection of materials separated for recycling from the customer's premises at least once a week.

(d) The licensee shall provide special haul services to all persons within the County, at a rate approved by the Board of Commissioners.

(e) For additional services and for commercial customers, the customer and the licensee may enter into an agreement satisfactory to them as to fees and the services to be rendered. If a licensee and customer are unable to agree upon the special services to be rendered and the remuneration to be paid therefor, the Board of Commissioners will, upon application of either the licensee or the customer or both of them, mediate the dispute at a hearing of the matter at its next regular meeting subsequent to the expiration of not less than ten days after the applicant for a hearing has given the other party involved written notice of his intent to present the matter to the board or as soon after the expiration of the ten days as is convenient.

(f) Any change in any collection rates, whether it be residential, commercial, or special hauling, must be justified to the Board of Commissioners and approved by the board.

(g) The licensee shall serve all customers in the unincorporated areas of the County and within any territories if applicable, who request service. Services may be discontinued if a customer becomes in arrears in fees due the licensee for two months; however, the licensee shall resume services for the customer who becomes in arrears in fees upon receipt by the licensee of all fees in arrears, together with a fee in advance for the then-present month and for each subsequent month. New customers may be billed one month in advance of service.

(Ord. No. 2012-18, 11-19-2012, 10-19-2026)

Sec. 32-5. Collection and transportation of solid waste.

(a) The licensee shall be responsible for the satisfactory collection and transportation of all solid waste to a County-operated disposal site or facility.

(b) Vehicles or solid waste containers used by the licensee for the collection and transportation of garbage or refuse containing garbage shall be covered, leak-proof, durable and of easily cleanable construction. These shall be cleaned as often as necessary but not less than twice a year to prevent a nuisance or insect breeding and shall be maintained in good repair. The licensee shall have adequate solid waste containers and vehicle

cleaning facilities. The licensee shall close all lids on solid waste containers after the containers are emptied and shall plug all drains in solid waste containers where required by local and state regulations. Vehicles shall display, in three-inch letters, the name and address of the hauler and the cubic yardage of the vehicles.

(c) Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill and shall be adequately secured and/or covered to prevent spillage. Should spillage occur, the material shall be recovered immediately by the solid waste hauler and returned to the vehicle or container and the area properly cleaned.

(d) The licensee shall maintain in its employment a sufficient number of employees to adequately serve the area assigned to it and shall own and control sufficient equipment and machinery to perform the duties and services of collecting, transporting and disposing of the solid waste in the County.

(e) The licensee shall be responsible for actively campaigning for new customers by using all available sources and for working toward the goal of 100 percent collection in its designated area.

(Ord. No. 2012-18, 11-19-2012, 10-19-2026)

Sec. 32-6. Storage, accumulation and disposal of garbage and solid waste.

(a) No owner, occupant, tenant, or lessee of any property shall deposit, store, or license to accumulate any garbage or solid waste upon such property that is not stored or disposed of in the following manner:

(1) It shall be unlawful for any person to store any garbage in any container that is not durable, rust-resistant, nonabsorbent, watertight, rodent-proof, and easily cleanable with a close-fitting, fly-tight cover in place with adequate handles or bails to facilitate handling, not to exceed a 96-gallon capacity, or other types of containers conforming to the intent of this chapter. It shall also be unlawful for any person to store garbage of a perishable or offensive nature for more than one week in any type of container.

(2) Solid waste or garbage shall not be deposited, stored, or licensed to accumulate on any property in such a manner that it will provide food or harborage for rodents and vermin or will create a fire or safety hazard.

(3) It shall be unlawful for any occupant of any dwelling or dwelling unit to place or leave outside of any building longer than 72 hours any dilapidated furniture, icebox, refrigerator, stove or other appliance, machinery, equipment, building material, or other item which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition, or which in the opinion of the health director constitutes a potential public health problem. This section shall not apply to a licensed junk dealer.

(4) It shall be unlawful for any person to leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind in which a child could get into. An acceptable alternative is to crate, strap, or lock the discarded container to such an extent that it is impossible for a child to obtain access.

(5) No person shall throw, dump, deposit or cause to be thrown, dumped, or deposited solid waste on property owned by the person, another person, or on any public highway, street or road; upon public parks or recreation areas; or upon any other public property except property specifically designated for that use.

(6) It shall be unlawful for any person to dispose of garbage or solid waste at any place other than in a manner approved by law. Acceptable means of solid waste disposal includes the following:

a. Contracting with a County-licensed, franchised solid waste disposal service.

b. Hauling garbage and solid waste to a public sanitary landfill site or designated County-owned solid waste convenience centers (residential waste only).

c. Burning solid waste in an incinerator that has all required local, state, and federal air pollution control licenses.

d. By any other method, including reclamation and recycling processes, that has been approved by the state.

(7) Where there are five or more premises located in a residential building or manufactured home park, it shall be the responsibility of the owner or person in charge of each building or manufactured home park to contract with the licensed, franchised solid waste disposal service and to pay for the regular collection of all garbage from each premises. It is the responsibility of the owner or person managing rental property to see that the residents dispose of their garbage in a lawful manner.

(b) Any landfill located in the County shall be operated according to rules and regulations providing standards for solid waste disposal adopted by the state, North Carolina Administrative Code (NCAC), title 15A, chapter 13, Solid waste management. The operational requirements for a sanitary landfill as outlined in the NCAC title 15A, chapter 13, Solid waste management, or as amended, are made a part of this chapter by reference.

(c) The sanitary landfill of the County may be used for the disposal of solid wastes by any person who is a resident of the County during regular hours of operation of the landfill. Solid wastes shall be disposed of at the landfill in the manner and according to the procedures required by the landfill manager. The following wastes may not be disposed of in the landfill:

(1) Radioactive wastes.

(2) Hazardous wastes.

(3) Infectious wastes.

(4) Wet sludge which has no presence of any free liquids in a representative sample of waste as determined by USEPA Method 9095B, paint filter liquids test and in compliance with 40 CFR 264.314 and 265.314.

(5) Any solid waste that creates a difficult operational problem at the landfill.

(6) Burning material.

(7) Dead animals in large quantities.

(8) Lead-acid batteries.

(9) Used oil.

(10) Yard trash, except in a container marked and designated for landfills qualified to accept such waste as described by the appropriate regulations promulgated by state waste management or other appropriate governmental entities.

(11) White goods.

(12) Antifreeze.

(13) Beverage cans.

(14) Liquid wastes.

(15) Tires.

(16) Construction and demolition wastes.

(17) Infectious, hazardous, and radioactive wastes, which shall be disposed of according to written procedures approved by the state.

(18) Motor vehicle oil filters.

(19) Recyclable rigid plastic containers.

(20) Wooden pallets.

(21) Oyster shells.

(22) Discarded computer equipment.

(23) Discarded televisions.

(24) Any other material prohibited by state or federal law.

(d) A person operating or having operated an open dump for disposal of solid waste or a person who owns land on which such an open dump is or has been operating shall immediately close the site in accordance with the state, which is as follows:

(1) Implement effective vector control, including baiting for at least two weeks after closing, to prevent vector migration to adjacent properties.

(2) If the site is deemed suitable by the state, compact and cover existing solid waste in place with two feet or more of suitable compacted earth; a condition of closing the site by compacting and covering the waste in place shall be recordation of the waste disposal location by the property owner with the register of deeds in the County where the land lies. Copies of the recordation procedure may be obtained from and inspected at the state.

(3) If the site is deemed unsuitable by the state, remove and place solid waste in an approved disposal site or facility.

(4) Implement erosion control measures by grading and seeding.

(5) Prevent unauthorized entry to the site by means of gates, chains, berms, fences, and other security measures approved by the state and post signs indicating closure for a period designated by the state.

All persons failing to comply with this subsection (d) shall be guilty of a misdemeanor and punished in accordance with section 1-14 of this Code with each day that the violation continues to exist being considered a separate and distinct offense until the dumping site has been corrected as required.

(e) All persons using sanitary landfills or solid waste containers operated by the County shall abide by the rules and regulations governing their use, and a violation of such rules and regulations shall constitute a violation of this chapter and violators may be punished in accordance with section 1-14 of this Code in the discretion of the court with each day a violation continues to exist being considered a separate and distinct offense.

(f) No building shall be erected on any land where there has been or is currently any garbage or solid waste deposited until tests are made of the property showing there is no danger in the future of settling or explosion due to methane gas being formed from the solid waste that has been deposited.

(g) Any person collecting and transporting solid waste generated on his own property for disposal at an approved disposal site shall comply with subsection 32-5(c) of this Code concerning vehicles and containers.

(h) There shall be no open burning of solid waste or garbage by any person.

(i) Use of solid waste containers shall be in accordance with the following:

(1) Solid waste convenience centers are maintained at numerous sites throughout the County for the convenience of County residents on land owned or leased by the County. Solid wastes may be deposited in the solid waste convenience centers only in accordance with this chapter.

(2) All solid waste shall be deposited inside the solid waste convenience centers. No solid waste may be left at the solid waste disposal site outside the convenience center.

(3) Commercial, industrial, and institutional solid wastes may not be deposited in the County-owned solid waste convenience centers.

(4) The following wastes may not be deposited in solid waste containers:

a. Radioactive wastes.

b. Hazardous waste.

c. Infectious wastes.

d. Wet sludge which has no presence of any free liquids in a representative sample of waste as determined by USEPA Method 9095B, paint filter liquids test and in compliance with 40 CFR
264.314 and 265.314.

e. Any solid waste that creates a difficult operational problem at the landfill.

f. Burning material.

g. Dead animals in large quantities.

h. Lead-acid batteries.

i. Used oil.

j. Yard trash, except in a container marked and designated for landfills qualified to accept such waste as described by the appropriate regulations promulgated by state waste management or other appropriate governmental entities.

k. White goods.

l. Antifreeze.

m. Beverage cans.

n. Liquid wastes.

o. Tires.

p. Construction and demolition wastes.

q. Infectious, hazardous, and radioactive wastes, which shall be disposed of according to written procedures approved by the state.

r. Motor vehicle oil filters.

s. Recyclable rigid plastic containers

t. Wooden pallets

u. Oyster shells

v. Discarded computer equipment

w. Discarded televisions

x. Any other material prohibited by state or federal law.

No person may remove any item from a solid waste container, climb on or into a container, damage, or willfully set fire to or attempt to set fire to contents of a container.

(j) *Disposal of waste tires.* The uncontrolled storage and/or disposal of waste tires presents a health and safety hazard. Tires are not suitable for burial in a sanitary landfill nor for burning in a municipal solid waste incinerator. All waste tires in the County must be delivered to a County landfill or other collection point designated by the landfill manager and deposited there to be transported to a tire disposal facility where they can be disposed of in an environmentally acceptable way. This subsection is not intended to prevent any individual, company, or other entity from developing an environmentally acceptable method for tire disposal. Any such proposal for an alternate disposal method shall be submitted to the department of utilities and engineering for review and final approval by the Board of Commissioners.

(k) *Disposal of dead animals.* It shall be the duty of the owner or person in charge of any domesticated animal which dies of any cause and the owner, lessee, or person in charge of any land upon which any domesticated animal dies to bury the animal to a depth of at least three feet beneath the surface of the ground within 24 hours after knowledge of the death of the domesticated animal or to otherwise dispose of the animal in a

manner approved by the state veterinarian. It shall be a violation of G.S. 106-403 to bury any dead domesticated animal closer than 300 feet to any flowing stream or public body of water. Dead animals may be disposed of at the County landfill for a fee as prescribed by the Board of Commissioners, Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. The state department of transportation (DOT) has jurisdiction over the disposal of any dead animal located on or within the state department of transportation's right-of-way. All costs incurred by a municipality or County in the removal of a dead domesticated animal shall be recoverable from the owner of such animal or from the owner, lessee, or person in charge of the land upon which the animal was illegally disposed and upon admission of ownership or conviction. The term "domesticated animal" as used in this subsection shall include poultry.

(Ord. No. 2012-18, 11-19-2012; Ord. No. 2013-04, 6-3-2013, 10-19-2026)

Sec. 32-7. Bond, insurance; license fee; transferability of license; jurisdiction of chapter.

(a) The applicant, upon being awarded the right to collect and dispose of solid waste by the Board of Commissioners as provided for in this chapter, shall secure and present to the county manager a good and sufficient liability insurance policy covering and insuring the payment of such damages as may be done by the licensee to the premises or property upon which it may enter for the purpose of collecting or disposing of solid waste in an amount, not less than the amount the County carries upon itself, insuring the licensee and its employees from personal injury and property damages that may be occasioned by occupational hazards. Such policy shall contain a hold harmless clause indemnifying the County against claims made against the licensee.

(b) The licensee shall pay to the County annually a sum to be determined by the Board of Commissioners for the issuance of each license.

(c) No license existing or granted under this chapter shall be sold, assigned, pledged or transferred, nor shall control thereof be changed by stock transfer or otherwise or any rights leased, nor shall any merger of combination affecting the license be made through acquisition or control by stock purchase or otherwise, except after application for and written approval, which shall be given if justified by the facts then existing.

(d) Any and every license issued shall be subject to this chapter and as it may be amended from time to time, except any amendment that may be made from time to time affecting the duration of a license existing at the time of the enactment of the amendment. Any license transferred or assigned without the express written authority of the Board of Commissioners shall be void and of no effect, and any collection is in violation of this chapter.

(Ord. No. 2012-18, 11-19-2012, 10-19-2026)

Sec. 32-8. Violations and penalties.

(a) *Criminal penalty.* Any person violating this chapter shall be guilty of a misdemeanor punishable in accordance with section 1-14 of this Code.

(b) *Civil penalty.* Any person who is found in violation of this chapter shall be subject to a civil penalty of not more than $500.00 as provided by G.S. 153A-123. Each day's violation shall be treated as a separate offense.

(c) *Equitable remedies.* This chapter may be enforced by equitable remedies in accordance with G.S. 153A-123 or 153A-140.

(Ord. No. 2012-18, 11-19-2012, 10-19-2026)

Sec. 32-9. Reservation of rights.

The Board of Commissioners expressly reserves the right to require the source separation of materials from solid waste prior to collection of the solid waste for disposal and require participation in a recycling program which has been approved by the Board of Commissioners.

(Ord. No. 2012-18, 11-19-2012, 10-19-2026)

Sec. 32-10 - 32-20. Reserved.

ARTICLE II. ABANDONED AND JUNKED VEHICLES

Purpose: This article shall be known as the "Abandoned and Junked Vehicle Chapter for Catawba County" and may be referred to as the "abandoned and junked vehicle chapter."

DIVISION 1. GENERALLY[2]

Sec. 32-21. Authority and purpose.

This article is enacted pursuant to the powers granted to the county by G.S. 153A-121, 153A-132 and 153A-
132.2. The purpose of this article is to protect the health, safety and general welfare of the citizens of the county, natural scenic beauty, and property values, of the county from potential adverse effects caused by the proliferation and improper disposal of junked motor vehicles.

(Ord. No. 2021-05, 6-21-2021, 10-19-2026)

Sec. 32-22. Jurisdiction.

In accordance with G.S. 153A-122, this article applies to, and is enforceable in, unincorporated part of the county and areas within the city's extraterritorial jurisdiction (ETJ) jurisdiction. However, the governing board of any city within the County may by resolution permit this article to be enforced within the city. The board of commissioners may approve to accept a resolution by the city to set the date and terms of enforcement of this article within the city. The city may, by resolution, withdraw its permission to enforce this article within the city. The city must give the county at least 30 days advance, written notice of its intent to withdraw permission.

(Ord. No. 2021-05, 6-21-2021, 10-19-2026)

Sec. 32-23. Administration.

The Planning Director is responsible for the administration and enforcement of the provisions of this article. (Ord. No. 2021-05, 6-21-2021, 10-19-2026)

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[2]State law reference(s)—Authority to prohibit the abandonment of motor vehicles on public ground and private property, G.S. 153A-132; authority to abate nuisances, G.S. 153A-140.

Sec. 32-24. Definitions.

The following definitions apply unless the context clearly indicates or requires a different meaning.

Abandoned vehicle means any motor vehicle that is left:

(1) Upon a public street or highway in violation of a law or chapter prohibiting parking;

(2) On a public street or highway for longer than seven days;

(3) On property owned or operated by the county for longer than 24 hours; or

(4) On private property without the consent of the owner, occupant or lessee, for longer than two hours.

Enclosed building means a garage or building structure that provides a complete enclosure (all sides of building enclosed) so that the contents of the building cannot be seen from a street or from adjacent property.

Junked motor vehicle means any motor vehicle that does not display a current North Carolina license plate that:

(1) Is partially dismantled or wrecked;

(2) Cannot be self-propelled or moved in the manner in which it originally was intended to move. This includes dismantled truck trailers or truck bed boxes which were originally attached to a motorized vehicle; or

(3) Is more than five years old and appears to be worth less than $100.00.

Magistrate means the magistrate for the county or in any other office designated to receive requests by the chief district court judge.

Motor vehicle or *vehicle* means all machines designed or intended to travel over land or water by self-propulsion or while attached to a self-propelled vehicle.

Nuisance vehicle means a vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

(1) A breeding ground, nest or harbor for mosquitoes, other insects, rats or other pests;

(2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;

(3) A point of collection of pools or ponds of water;

(4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials;

(5) Having areas of confinement that cannot be opened or in the alternative, operated from the inside of the area of confinement, such as trunks, hoods, etc.;

(6) So situated or located that there is a danger of the vehicle falling, dislodging or turning over;

(7) A point of collection of refuse, trash, garbage, food waste, animal waste, or any other rotten or decaying matter of any kind;

(8) Having parts which are jagged or contain sharp edges of metal, plastic or glass; or

(9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the planning director.

Planning director means the planning director or designee, for the county.

Sheriff means the sheriff of the county.

Vector means any organism that carries disease-causing microorganisms from one host to another (i.e. rats, mosquitoes, etc.).

(Ord. No. 2021-05, 6-21-2021, 10-19-2026)

DIVISION 2. REGULATIONS

Sec. 32-25. Abandoned Vehicle Unlawful; Removal Authorized.

(a) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the public property after it has been declared an abandoned vehicle.

(b) If a motor vehicle is abandoned on public property, the board of commissioners may direct the sheriff, or designee to removal the vehicle to a designated storage area determined by the sheriff.

(Ord. No. 2021-05, 6-21-2021, 10-19-2026)

Sec. 32-26. Nuisance Vehicle Unlawful; Removal Authorized.

(a) It shall be unlawful for the registered owner, or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located, to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(b) Upon investigation, the planning director may determine and declare that a vehicle is a health or safety hazard and therefore a nuisance vehicle, and order the vehicle removed. Notice of the planning director's determination may be combined with any other notices required under this article. Notices shall be provided to the registered owner or person entitled to possession of the motor vehicle and/or the owner, lessee or occupant of the real property by first class mail except in situations where a name and address cannot be ascertained, notice may be given by affixation on the windshield or some other conspicuous place on the vehicle.

(c) In cases where it is impractical or impossible to find and/or prosecute the responsible party, the County may, at its discretion, have the vehicle towed in accordance with G.S. 153A-132.

(Ord. No. 2021-05, 6-21-2021, 10-19-2026)

Sec. 32-27. Right to Enter Premises.

The planning director shall have the right, upon presentation of proper credentials and identification, to enter any premises within the jurisdiction of this article during daylight hours to determine if any vehicle is in violation of this chapter.

(Ord. No. 2021-05, 6-21-2021, 10-19-2026)

Sec. 32-28. Junked Motor Vehicles Regulated; Removal Authorized.

(a) All junked vehicles must be kept in a garage or building structure that provides a complete enclosure so that vehicle(s) cannot be seen from a public street or from adjacent property. For purposes of this chapter, a garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations. A carport shall not be treated as an acceptable garage or enclosure under this chapter.

(b) It shall be unlawful for the registered owner, or person entitled to the possession of a junked motor vehicle, to place, store, leave or allow a vehicle to remain on any property in violation of this chapter or to allow a vehicle to remain on any property after the vehicle has been ordered removed from that property.

(c) It shall be unlawful for the owner, lessee or occupant of the real property, upon which a junked motor vehicle is located, to leave, or allow the vehicle to remain on the property in violation of this chapter after the vehicle has been ordered removed.

(Ord. No. 2021-05, 6-21-2021, 10-19-2026)

Sec. 32-29. Enforcement Provisions.

The planning director shall enforce this chapter. He may call upon other agencies as necessary to assist in the enforcement of this chapter.

(1) Whenever the planning director receives a complaint alleging a violation of this chapter, he shall investigate the complaint and take whatever action is warranted.

(2) The owner, tenant, or occupant of any building or land, and agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and be subject to all penalties and remedies.

(3) Upon discovery of a violation, the following procedures apply:

a. The planning director shall send a written notice to the person responsible for such violation, indicating the nature of the violation, the action necessary to correct it, and the number of days within which the violation must be corrected.

b. In cases that pose an immediate danger to the public's health, safety, or general welfare, the planning director may seek enforcement without proper written notice by invoking any of the penalties or remedies authorized in this section.

(4) The county may assess the following civil and criminal penalties:

a. A violation subjects the violator to a civil penalty in the amount of $50.00. Each day's continuing violation is a separate and distinct offense.

b. Reserved.

c. In addition to the foregoing enforcement provisions, this article may be enforced by any remedy provided in G.S. 153A-123. Each day's continuing violation is a separate and distinct offense.

(Ord. No. 2021-05, 6-21-2021; Ord. No. 2022-03, 2-7-2022, 10-19-2026)

Sec. 32-30. No Liability.

The county, or any person acting on behalf of the county in the enforcement of this article, may not be held to answer in a civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, junked, lost or stolen vehicle for the enforcement of this chapter.

(Ord. No. 2021-05, 6-21-2021, 10-19-2026)

Sec. 32-31. Exceptions.

This article does not apply to any motor vehicle that is located:

(1) In an enclosed building;

(2) On the premises of a business enterprise being legally maintained and operated primarily for the purpose of making repairs to motor vehicles or wholesale or retail sales of items or parts routinely used in motor vehicles, in a lawful place and manner if the vehicle is necessary to the operation of the business;

(3) On the premises of a business enterprise being operated in a legally zoned place and manner if the vehicle is necessary in the operation of the enterprise or needed in the operation of a bona fide farm; or

(4) In an appropriate storage place or depository maintained by the

county. (Ord. No. 2021-05, 6-21-2021, 10-19-2026)

Sec. 32-32. Changes in State Law.

Should G.S. ch. 153A and G.S. 153A-132.2, or any other section of the general statues incorporated herein by reference or otherwise referred to herein be changed or amended, or should such statutes require or mandate a different procedure or change or impose new, different or additional requirements, then, in that event, this chapter shall be deemed to have been amended without further action to have complied with such new, additional or amended requirements.

(Ord. No. 2021-05, 6-21-2021, 10-19-2026)

The 19th day of October 2026.

[Seal]

_____
C. Randall Isenhower, Chairman
Catawba County Board of Commissioners

Attest:

_____
Dale R. Stiles, Clerk to the Board
Catawba County Board of Commissioners

Chapter 32 SOLID WASTE MANAGEMENT[1]

Article I. Solid Waste

Sec. 32-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beneficial ~~f~~Fill means fill material consisting only of inert debris limited to concrete, brick, concrete block, used pavement asphalt, uncontaminated soil, rock, and gravel. The fill activity involves no excavation, and the purpose of the fill is to improve land use potential. Construction and ~~demolition debris~~Demolition Debris and land-clearing debris are not beneficial fill material.

Cell means compacted solid waste completely enveloped by a compacted cover material.

Construction and/or ~~d~~Demolition ~~d~~Debris means solid waste resulting solely from construction, remodeling, repair or demolition operations on buildings or other structures, but does not include inert, land-clearing or yard trash debris. Roofing shingles are considered C~~c~~onstruction or ~~demolition debris~~Demolition Debris.

Demolition ~~d~~Debris means solid waste resulting solely from demolition of buildings or other structures, but does not include inert, land-clearing or yard trash debris. Roofing shingles are considered ~~demolition debris~~Demolition Debris.

Disposal means discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

Division means the director of the division of solid waste management or the director's authorized representative.

Division of ~~s~~Solid ~~w~~Waste ~~m~~Management means the state department of environment, health, and natural resources, solid waste management division, solid waste section.

Domesticated ~~a~~Animal means any of various animals, such as cats, dogs, cows, hogs, horses, sheep, etc., domesticated by man to live and breed in a tame condition.

Garbage means solid waste~~s~~, including vegetable matter, animal offal, carcasses of animals, and recognizable industrial byproducts, but excluding human body waste and animal manure. Used milk cartons or other discarded food containers are included in this definition.

Hazardous ~~w~~Waste means a solid waste or combination of solid wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

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

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[1]Editor's note(s)—Ord. No. 2012-18, adopted November 19, 2012, repealed former ch. 32, §§ 32-1—32-10, 32-36—32-38, 32-66—32-68, and 32-96—32-98, and enacted a new ch. 32. Former ch. 32 pertained to similar subject matter and derived from the Code of 1995, §§ 505.01—505.10, 505.40—505.42, 505.60, 505.61, 505.75, and 505.80—505.82.

Cross reference(s)—Buildings and building regulations, ch. 8; environment, ch. 16; water and sewer, ch. 42.

State law reference(s)—Solid waste management generally, G.S. 130A-290 et seq.; solid waste management plans, G.S. 130A-294; authority to enact ordinances governing the removal, method and manner of disposal, depositing or dumping trash, debris, garbage or litter, G.S. 153A-132.1; authority to regulate the storage, collection, transportation, use, disposal of solid wastes, G.S. 153A-136; special provisions for solid waste collection and disposal, G.S. 153A-291 et seq.; solid waste management, 15A N.C. Admin. Code 13B.0101 et seq.

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

Health ~~d~~Director means the county health director or his duly authorized representative.

Inert ~~d~~Debris means solid waste which consists solely of material that is virtually inert, such as brick, concrete, used pavement asphalt, rock, and clean soil, but does not include Cc~~c~~onstruction and ~~demolition debris~~Demolition Debris.

Junk ~~d~~Dealer means any person who is licensed to operate a junkyard as specified in chapter 44 of this Code regulating junkyards and junk dealers.

Land-~~c~~Clearing D~~d~~ebris means solid waste which is generated solely from land-clearing activities, such as stumps, trees, limbs, brush, grass and other naturally occurring vegetative material.

Leachate means any liquid, including any suspended components in liquid that has percolated through or drained from solid waste.

Open ~~b~~Burning means any fire where the products of combustion are emitted directly into the outdoor atmosphere and are not directed through a stack or chimney, incinerator, or other similar devices.

Open ~~d~~Dump means a solid waste disposal site that does not have a license and/or does not comply with the rules set forth in G.S. 130A-294, the state solid waste management program, or in this chapter; a consolidation of solid waste from one or more sources at an illegal disposal site which may have unsanitary conditions and little or no cover.

Person means any individual, firm, governmental unit, organization, partnership, corporation, company or other legal entity.

Premises means each single residential dwelling unit housed in a building used for residential purposes, or manufactured home, or a structure used for residential purposes on any property. The term "premises" also means each unit contained in any structure serving a separate owner, tenant, lessee, or used for any purpose other than residential.

Sanitary ~~l~~Landfill means a method of disposing of solid waste on land in a sanitary manner without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of compacted earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

Solid ~~w~~Waste means any hazardous or nonhazardous garbage, refuse; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; domestic sewage and sludge generated in a sanitary sewage collection, treatment and disposal systems; mobile homes or other dwellings in a state of decay, destruction, or extreme disrepair which appear to have been abandoned for residential purposes, including mobile homes that have been stripped or partially dismantled; and other material that is either discarded or 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 the following:

(1) Fowl and animal fecal waste;

(2) Solid or dissolved material in:

a. Domestic sewage and sludge generated in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluent to the surface waters.

b. Irrigation return flows means water which was artificially supplied for irrigation of land and has returned to a former place or state by reversed flow or negative pressure. Such water may contain chemicals or contaminants.

c. Wastewater discharges and the sludge generated by the treatment which are point sources subject to licenses granted under Section 402 of the Federal Water Pollution Control Act, as amended, and

permits granted under G.S. 143-215.1 by the environmental management commission; except that any sludge that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580), as amended, shall also be a solid waste for the purposes of this chapter.

(3) Oils and other liquid hydrocarbons controlled under G.S. 143-215.75—143-215.104AA; except that any such oils or other liquid hydrocarbons that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580), as amended, shall also be a solid waste for the purposes of this chapter;

(4) Any radioactive material as defined by the North Carolina Radiation Protection Act, G.S. 104E-1—104E-293; or

(5) Mining refuse covered by the North Carolina Mining Act, G.S. 74-46—74-68, and regulated by the state mining commission, as defined under G.S. 143B-1290; except that any specific mining waste that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580), as amended, shall also be a solid waste for the purposes of this chapter.

Spoiled ffFood means any food which has been removed from sale by the United States Department of Agriculture, the state department of agriculture, the Food and Drug Administration, or any other regulatory agency having jurisdiction in determining that food is unfit for consumption.

State means the North Carolina Department of Environment and Natural Resources (NCDENR) or any other department that may be responsible for the enforcement of solid waste.

White ggGoods means inoperative and discarded refrigerators, ranges, water heaters, freezers, ovens, dishwashers, and other similar domestic or commercial large appliances.

Yard ttTrash means solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, and similar vegetative material.

Yard Wwaste includes both yard trash and land-clearing debris, as defined in G.S. 130A-290, including stumps, limbs, leaves, grass, and untreated wood.

(Ord. No. 2012-18, 11-19-2012)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 32-2. Exclusive collection licenses.

For the purpose of providing for proper collection, transportation, and disposal of solid waste within the ccCounty, the bBoard of cCommissioners may create specific geographic areas where exclusive collection licenses may be granted.

(Ord. No. 2012-18, 11-19-2012)

Sec. 32-3. Licenses.

(a) Pursuant to G.S. 153A-46 and 153A-136, the board of commissionersBoard of Commissioners may grant a license to any person to engage in the collection and disposal of ssSolid wwWaste. The bBoard may grant a license under this chapter for the exclusive right to collect, transport, and dispose of solid waste for compensation within the entire countyCounty or within specified areas of the countyCounty and may prohibit unauthorized persons from engaging in the same service within the area where the exclusive right has been granted. The license shall be displayed at the licensee's place of business.

(b) All applicants for a license to collect, transport, store, and dispose of ssSolid wwWaste and recyclable materials and own and operate a materials recovery facility shall file written application with the county manager on or

before one year prior to the expiration of the existing franchise contract and shall furnish the following information:

(1) The name and address of the applicant and the nature of the business entity with full disclosure of all ownership interests.

(2) A list of the equipment possessed, available, or to be obtained by the applicant.

(3) The number of employees the applicant expects to use in the operation of the business.

(4) Previous experience of the applicant in solid waste collection, transport, disposal, and materials facility recovery management.

(5) A balance sheet or equivalent financial statement prepared by a certified public accountant or other person satisfactory to the ~~board of commissioners~~Board of Commissioners as of the close of the applicant's last business year, showing the net worth of the business. All such financial data submitted in compliance with the requirements of this subsection shall be confidential and shall not be regarded as public information.

(6) Plan routes and areas of the ~~county~~County the applicant expects to serve.

(7) The schedule of fees the applicant plans to charge.

(8) Any other information the ~~board of commissioners~~Board of Commissioners may request.

(c) If a license is withdrawn, surrendered, or a change is otherwise indicated by the parties or the operation of law, the ~~board of commissioners~~Board of Commissioners reserves the right to review information, take application, and take the appropriate action on any other time schedule as is appropriate.

(d) The ~~board of commissioners~~Board of Commissioners prefers a single franchise to provide all of the services stated in this section, including but not limited to collection, transportation, storage, and disposal of solid waste as well as management of a materials recovery facility, but reserves the right to enter into more than one franchise agreement with each element of the solid waste service, including but not limited to collection, transportation, storage, and disposal of solid waste as well as management of a materials recovery facility.

(e) Existing contracts shall be subject to a yearly review with the information designated in subsection (b) of this section being presented to the county manager upon his request at any time during the fiscal year when a franchise contract is in operation.

(f) The county manager may bring before the ~~board of commissioners~~Board of Commissioners applications for licenses and/or a review of existing contracts to collect, transport, and dispose of solid waste and own and operate a materials recovery facility at least six months prior to the expiration of an existing franchise agreement. The ~~board of commissioners~~Board of Commissioners shall award an exclusive license for the collection of solid waste in each of the areas. The term of the license shall not exceed 30 years from the effective date and is renewable.

(g) The ~~board of commissioners~~Board of Commissioners reserves the right to receive applications for licenses and the right to create additional areas out of any one or more of the areas previously designated. Applications must be filed with the county manager at least 90 days prior to the board meeting at which the application will be reviewed.

(h) The county manager may temporarily suspend any license granted if the licensee fails or is unable to properly perform the duties covered by the license and contract. The licensee may request in writing to the county manager a hearing before the ~~board of commissioners~~Board of Commissioners in order that the licensee may justify why such license should not be revoked. Such requests shall be received by the county manager no later than ten calendar days following notice of license suspension. After hearing the appeal, the ~~board of commissioners~~Board of Commissioners shall revoke or reinstate the license.

(i) If a license has been revoked pursuant to subsection (h) of this section or surrendered by the licensee, the county manager shall receive applications for the area involved. The ~~board of commissioners~~Board of

Commissioners may grant a license to an applicant at the expiration of the appeal process in subsection (h) of this section. The license shall commence on the date of the meeting and end the subsequent June 30.

(j) The licensee shall serve every person who contracts with it for solid waste collection in such a manner that the licensee does not cause the person to be in violation of this chapter. The licensee shall not discriminate against any person for contract purposes in violation of the Civil Rights Act, as amended, on the basis of race, color, creed, religion, national origin, physical impairment, or sex.

(k) Before the ~~county~~County issues a license pursuant to this chapter, the county manager shall determine that all facilities, equipment, and proposed operating methods the applicant plans to use in the solid waste collection business are in compliance with this chapter and applicable regulations of the state.

(l) It shall be unlawful for any person to engage in the business of collecting, transporting, and disposing of solid waste, outside of any municipality, but within any of the areas in the ~~county~~County set out in this section, except under the authority in full force and effect given by a license as provided for in this section.

(Ord. No. 2012-18, 11-19-2012)

Sec. 32-4. Fees.

(a) All residential, commercial, industrial, and special haul service rates imposed pursuant to this chapter shall be approved by the ~~board of commissioners~~Board of Commissioners.

(b) The licensee shall be responsible for the collection of all fees for its services to be rendered to the citizens and customers within its assigned area.

(c) The licensee shall collect and the customer shall pay a monthly fee, approved by the ~~board of commissioners~~Board of Commissioners, for roadside collection and disposal of solid waste and for collection of materials separated for recycling from the customer's premises at least once a week.

(d) The licensee shall provide special haul services to all persons within the ~~county~~County, at a rate approved by the ~~board of commissioners~~Board of Commissioners.

(e) For additional services and for commercial customers, the customer and the licensee may enter into an agreement satisfactory to them as to fees and the services to be rendered. If a licensee and customer are unable to agree upon the special services to be rendered and the remuneration to be paid therefor, the ~~board of commissioners~~Board of Commissioners will, upon application of either the licensee or the customer or both of them, mediate the dispute at a hearing of the matter at its next regular meeting subsequent to the expiration of not less than ten days after the applicant for a hearing has given the other party involved written notice of his intent to present the matter to the board or as soon after the expiration of the ten days as is convenient.

(f) Any change in any collection rates, whether it be residential, commercial, or special hauling, must be justified to the ~~board of commissioners~~Board of Commissioners and approved by the board.

(g) The licensee shall serve all customers in the unincorporated areas of the ~~county~~County and within any territories if applicable, who request service. Services may be discontinued if a customer becomes in arrears in fees due the licensee for two months; however, the licensee shall resume services for the customer who becomes in arrears in fees upon receipt by the licensee of all fees in arrears, together with a fee in advance for the then-present month and for each subsequent month. New customers may be billed one month in advance of service.

(Ord. No. 2012-18, 11-19-2012)

Sec. 32-5. Collection and transportation of solid waste.

(a) The licensee shall be responsible for the satisfactory collection and transportation of all solid waste to a ~~county~~County-operated disposal site or facility.

(b) Vehicles or solid waste containers used by the licensee for the collection and transportation of garbage or refuse containing garbage shall be covered, leak-proof, durable and of easily cleanable construction. These shall be cleaned as often as necessary but not less than twice a year to prevent a nuisance or insect breeding and shall be maintained in good repair. The licensee shall have adequate solid waste containers and vehicle cleaning facilities. The licensee shall close all lids on solid waste containers after the containers are emptied and shall plug all drains in solid waste containers where required by local and state regulations. Vehicles shall display, in three-inch letters, the name and address of the hauler and the cubic yardage of the vehicles.

(c) Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill and shall be adequately secured and/or covered to prevent spillage. Should spillage occur, the material shall be recovered immediately by the solid waste hauler and returned to the vehicle or container and the area properly cleaned.

(d) The licensee shall maintain in its employment a sufficient number of employees to adequately serve the area assigned to it and shall own and control sufficient equipment and machinery to perform the duties and services of collecting, transporting and disposing of the solid waste in the ~~county~~County.

(e) The licensee shall be responsible for actively campaigning for new customers by using all available sources and for working toward the goal of 100 percent collection in its designated area.

(Ord. No. 2012-18, 11-19-2012)

Sec. 32-6. Storage, accumulation and disposal of garbage and solid waste.

(a) No owner, occupant, tenant, or lessee of any property shall deposit, store, or license to accumulate any garbage or solid waste upon such property that is not stored or disposed of in the following manner:

(1) It shall be unlawful for any person to store any garbage in any container that is not durable, rust-resistant, nonabsorbent, watertight, rodent-proof, and easily cleanable with a close-fitting, fly-tight cover in place with adequate handles or bails to facilitate handling, not to exceed a 96-gallon capacity, or other types of containers conforming to the intent of this chapter. It shall also be unlawful for any person to store garbage of a perishable or offensive nature for more than one week in any type of container.

(2) Solid waste or garbage shall not be deposited, stored, or licensed to accumulate on any property in such a manner that it will provide food or harborage for rodents and vermin or will create a fire or safety hazard.

(3) It shall be unlawful for any occupant of any dwelling or dwelling unit to place or leave outside of any building longer than 72 hours any dilapidated furniture, icebox, refrigerator, stove or other appliance, machinery, equipment, building material, or other item which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition, or which in the opinion of the health director constitutes a potential public health problem. This section shall not apply to a licensed junk dealer.

(4) It shall be unlawful for any person to leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind in which a child could get into. An acceptable alternative is to crate, strap, or lock the discarded container to such an extent that it is impossible for a child to obtain access.

(5) No person shall throw, dump, deposit or cause to be thrown, dumped, or deposited solid waste on property owned by the person, another person, or on any public highway, street or road; upon public

parks or recreation areas; or upon any other public property except property specifically designated for that use.

(6) It shall be unlawful for any person to dispose of garbage or solid waste at any place other than in a manner approved by law. Acceptable means of solid waste disposal includes the following:

a. Contracting with a ~~county~~County-licensed, franchised solid waste disposal service.

b. Hauling garbage and solid waste to a public sanitary landfill site or designated ~~county~~County-owned solid waste convenience centers (residential waste only).

c. Burning solid waste in an incinerator that has all required local, state, and federal air pollution control licenses.

d. By any other method, including reclamation and recycling processes, that has been approved by the state.

(7) Where there are five or more premises located in a residential building or manufactured home park, it shall be the responsibility of the owner or person in charge of each building or manufactured home park to contract with the licensed, franchised solid waste disposal service and to pay for the regular collection of all garbage from each premises. It is the responsibility of the owner or person managing rental property to see that the residents dispose of their garbage in a lawful manner.

(b) Any landfill located in the ~~county~~County shall be operated according to rules and regulations providing standards for solid waste disposal adopted by the state, North Carolina Administrative Code (NCAC), title 15A, chapter 13, Solid waste management. The operational requirements for a sanitary landfill as outlined in the NCAC title 15A, chapter 13, Solid waste management, or as amended, are made a part of this chapter by reference.

(c) The sanitary landfill of the ~~county~~County may be used for the disposal of solid wastes by any person who is a resident of the ~~county~~County during regular hours of operation of the landfill. Solid wastes shall be disposed of at the landfill in the manner and according to the procedures required by the landfill ~~superintendent~~manager. The following wastes may not be disposed of in the landfill:

(1) Radioactive wastes.

(2) Hazardous wastes.

(3) Infectious wastes.

(4) Wet sludge which has no presence of any free liquids in a representative sample of waste as determined by USEPA Method 9095B, paint filter liquids test and in compliance with 40 CFR 264.314 and 265.314.

(5) Any solid waste that creates a difficult operational problem at the landfill.

(6) Burning material.

(7) Dead animals in large quantities.

(8) Lead-acid batteries.

(9) Used oil.

(10) Yard trash, except in a container marked and designated for landfills qualified to accept such waste as described by the appropriate regulations promulgated by state waste management or other appropriate governmental entities.

(11) White goods.

(12) Antifreeze.

(13) Beverage cans.

(14) Liquid wastes.

(15) Tires.

(16) Construction and demolition wastes.

(17) Infectious, hazardous, and radioactive wastes, which shall be disposed of according to written procedures approved by the state.

(18) Motor vehicle oil filters.

(19) Recyclable rigid plastic containers.

(20) Wooden pallets.

(21) Oyster shells.

(22) Discarded computer equipment.

(23) Discarded televisions.

(24) Any other material prohibited by state or federal law.

(d) A person operating or having operated an open dump for disposal of solid waste or a person who owns land on which such an open dump is or has been operating shall immediately close the site in accordance with the state, which is as follows:

(1) Implement effective vector control, including baiting for at least two weeks after closing, to prevent vector migration to adjacent properties.

(2) If the site is deemed suitable by the state, compact and cover existing solid waste in place with two feet or more of suitable compacted earth; a condition of closing the site by compacting and covering the waste in place shall be recordation of the waste disposal location by the property owner with the register of deeds in the ~~county~~County where the land lies. Copies of the recordation procedure may be obtained from and inspected at the state.

(3) If the site is deemed unsuitable by the state, remove and place solid waste in an approved disposal site or facility.

(4) Implement erosion control measures by grading and seeding.

(5) Prevent unauthorized entry to the site by means of gates, chains, berms, fences, and other security measures approved by the state and post signs indicating closure for a period designated by the state.

All persons failing to comply with this subsection (d) shall be guilty of a misdemeanor and punished in accordance with section 1-14 of this Code with each day that the violation continues to exist being considered a separate and distinct offense until the dumping site has been corrected as required.

(e) All persons using sanitary landfills or solid waste containers operated by the ~~county~~County shall abide by the rules and regulations governing their use, and a violation of such rules and regulations shall constitute a violation of this chapter and violators may be punished in accordance with section 1-14 of this Code in the discretion of the court with each day a violation continues to exist being considered a separate and distinct offense.

(f) No building shall be erected on any land where there has been or is currently any garbage or solid waste deposited until tests are made of the property showing there is no danger in the future of settling or explosion due to methane gas being formed from the solid waste that has been deposited.

(g) Any person collecting and transporting solid waste generated on his own property for disposal at an approved disposal site shall comply with subsection 32-5(c) of this Code concerning vehicles and containers.

(h) There shall be no open burning of solid waste or garbage by any person.

(i) Use of solid waste containers shall be in accordance with the following:

(1) Solid waste convenience centers are maintained at numerous sites throughout the ~~county~~County for the convenience of ~~county~~County residents on land owned or leased by the ~~county~~County. Solid wastes may be deposited in the solid waste convenience centers only in accordance with this chapter.

(2) All solid waste shall be deposited inside the solid waste convenience centers. No solid waste may be left at the solid waste disposal site outside the convenience center.

(3) Commercial, industrial, and institutional solid wastes may not be deposited in the ~~county~~County-owned solid waste convenience centers.

(4) The following wastes may not be deposited in solid waste containers:

a. Radioactive wastes.

b. Hazardous waste.

c. Infectious wastes.

d. Wet sludge which has no presence of any free liquids in a representative sample of waste as determined by USEPA Method 9095B, paint filter liquids test and in compliance with 40 CFR 264.314 and 265.314.

e. Any solid waste that creates a difficult operational problem at the landfill.

f. Burning material.

g. Dead animals in large quantities.

h. Lead-acid batteries.

i. Used oil.

j. Yard trash, except in a container marked and designated for landfills qualified to accept such waste as described by the appropriate regulations promulgated by state waste management or other appropriate governmental entities.

k. White goods.

l. Antifreeze.

m. Beverage cans.

n. Liquid wastes.

o. Tires.

p. Construction and demolition wastes.

q. Infectious, hazardous, and radioactive wastes, which shall be disposed of according to written procedures approved by the state.

r. Motor vehicle oil filters.

s. Recyclable rigid plastic containers

t. Wooden pallets

u. Oyster shells

v. Discarded computer equipment

w. Discarded televisions

x. Any other material prohibited by state or federal law.

No person may remove any item from a solid waste container, climb on or into a container, damage, or willfully set fire to or attempt to set fire to contents of a container.

(j) *Disposal of waste tires.* The uncontrolled storage and/or disposal of waste tires presents a health and safety hazard. Tires are not suitable for burial in a sanitary landfill nor for burning in a municipal solid waste incinerator. All waste tires in the ~~county~~County must be delivered to a ~~county~~County landfill or other collection point designated by the landfill ~~superintendent~~manager and deposited there to be transported to a tire disposal facility where they can be disposed of in an environmentally acceptable way. This subsection is not intended to prevent any individual, company, or other entity from developing an environmentally acceptable method for tire disposal. Any such proposal for an alternate disposal method shall be submitted to the department of utilities and engineering for review and final approval by the ~~board of commissioners~~Board of Commissioners.

(k) *Disposal of dead animals.* It shall be the duty of the owner or person in charge of any domesticated animal which dies of any cause and the owner, lessee, or person in charge of any land upon which any domesticated animal dies to bury the animal to a depth of at least three feet beneath the surface of the ground within 24 hours after knowledge of the death of the domesticated animal or to otherwise dispose of the animal in a manner approved by the state veterinarian. It shall be a violation of G.S. 106-403 to bury any dead domesticated animal closer than 300 feet to any flowing stream or public body of water. Dead animals may be disposed of at the ~~county~~County landfill for a fee as prescribed by the ~~board of commissioners~~Board of Commissioners, Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. The state department of transportation (DOT) has jurisdiction over the disposal of any dead animal located on or within the state department of transportation's right-of-way. All costs incurred by a municipality or ~~county~~County in the removal of a dead domesticated animal shall be recoverable from the owner of such animal or from the owner, lessee, or person in charge of the land upon which the animal was illegally disposed and upon admission of ownership or conviction. The term "domesticated animal" as used in this subsection shall include poultry.

(Ord. No. 2012-18, 11-19-2012; Ord. No. 2013-04, 6-3-2013)

Sec. 32-7. Bond, insurance; license fee; transferability of license; jurisdiction of chapter.

(a) The applicant, upon being awarded the right to collect and dispose of solid waste by the ~~board of commissioners~~Board of Commissioners as provided for in this chapter, shall secure and present to the county manager a good and sufficient liability insurance policy covering and insuring the payment of such damages as may be done by the licensee to the premises or property upon which it may enter for the purpose of collecting or disposing of solid waste in an amount, not less than the amount the ~~county~~County carries upon itself, insuring the licensee and its employees from personal injury and property damages that may be occasioned by occupational hazards. Such policy shall contain a hold harmless clause indemnifying the ~~county~~County against claims made against the licensee.

(b) The licensee shall pay to the ~~county~~County annually a sum to be determined by the ~~board of commissioners~~Board of Commissioners for the issuance of each license.

(c) No license existing or granted under this chapter shall be sold, assigned, pledged or transferred, nor shall control thereof be changed by stock transfer or otherwise or any rights leased, nor shall any merger of combination affecting the license be made through acquisition or control by stock purchase or otherwise, except after application for and written approval, which shall be given if justified by the facts then existing.

(d) Any and every license issued shall be subject to this chapter and as it may be amended from time to time, except any amendment that may be made from time to time affecting the duration of a license existing at the time of the enactment of the amendment. Any license transferred or assigned without the express written authority of the ~~board of commissioners~~Board of Commissioners shall be void and of no effect, and any collection is in violation of this chapter.

(Ord. No. 2012-18, 11-19-2012)

Sec. 32-8. Violations and penalties.

(a) *Criminal penalty.* Any person violating this chapter shall be guilty of a misdemeanor punishable in accordance with section 1-14 of this Code.

(b) *Civil penalty.* Any person who is found in violation of this chapter shall be subject to a civil penalty of not more than $500.00 as provided by G.S. 153A-123. Each day's violation shall be treated as a separate offense.

(c) *Equitable remedies.* This chapter may be enforced by equitable remedies in accordance with G.S. 153A-123 or 153A-140.

(Ord. No. 2012-18, 11-19-2012)

Sec. 32-9. Reservation of rights.

The ~~board of commissioners~~Board of Commissioners expressly reserves the right to require the source separation of materials from solid waste prior to collection of the solid waste for disposal and require participation in a recycling program which has been approved by the ~~board of commissioners~~Board of Commissioners.

(Ord. No. 2012-18, 11-19-2012)

Sec. 32-10 - 32-20. Reserved.

ARTICLE II. ABANDONED AND JUNKED VEHICLES

Purpose: This article shall be known as the "Abandoned and Junked Vehicle Chapter for Catawba County" and may be referred to as the "abandoned and junked vehicle chapter."

DIVISION 1. GENERALLY[2]

Sec. 32-21. Authority and purpose.

This article is enacted pursuant to the powers granted to the county by G.S. 153A-121, 153A-132 and 153A-132.2. The purpose of this article is to protect the health, safety and general welfare of the citizens of the county, natural scenic beauty, and property values, of the county from potential adverse effects caused by the proliferation and improper disposal of junked motor vehicles.

(Ord. No. 2021-05, 6-21-2021)

Sec. 32-22. Jurisdiction.

In accordance with G.S. 153A-122, this article applies to, and is enforceable in, unincorporated part of the county and areas within the city's extraterritorial jurisdiction (ETJ) jurisdiction. However, the governing board of any city within the County may by resolution permit this article to be enforced within the city. The board of commissioners may approve to accept a resolution by the city to set the date and terms of enforcement of this

[2]State law reference(s)—Authority to prohibit the abandonment of motor vehicles on public ground and private property, G.S. 153A-132; authority to abate nuisances, G.S. 153A-140.

article within the city. The city may, by resolution, withdraw its permission to enforce this article within the city. The city must give the county at least 30 days advance, written notice of its intent to withdraw permission.

(Ord. No. 2021-05, 6-21-2021)

Sec. 32-23. Administration.

The Planning Director is responsible for the administration and enforcement of the provisions of this article.

(Ord. No. 2021-05, 6-21-2021)

Sec. 32-24. Definitions.

The following definitions apply unless the context clearly indicates or requires a different meaning.

Abandoned vehicle means any motor vehicle that is left:

(1) Upon a public street or highway in violation of a law or chapter prohibiting parking;

(2) On a public street or highway for longer than seven days;

(3) On property owned or operated by the county for longer than 24 hours; or

(4) On private property without the consent of the owner, occupant or lessee, for longer than two hours.

Enclosed building means a garage or building structure that provides a complete enclosure (all sides of building enclosed) so that the contents of the building cannot be seen from a street or from adjacent property.

Junked motor vehicle means any motor vehicle that does not display a current North Carolina license plate that:

(1) Is partially dismantled or wrecked;

(2) Cannot be self-propelled or moved in the manner in which it originally was intended to move. This includes dismantled truck trailers or truck bed boxes which were originally attached to a motorized vehicle; or

(3) Is more than five years old and appears to be worth less than $100.00.

Magistrate means the magistrate for the county or in any other office designated to receive requests by the chief district court judge.

Motor vehicle or *vehicle* means all machines designed or intended to travel over land or water by self-propulsion or while attached to a self-propelled vehicle.

Nuisance vehicle means a vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

(1) A breeding ground, nest or harbor for mosquitoes, other insects, rats or other pests;

(2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;

(3) A point of collection of pools or ponds of water;

(4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials;

(5) Having areas of confinement that cannot be opened or in the alternative, operated from the inside of the area of confinement, such as trunks, hoods, etc.;

(6) So situated or located that there is a danger of the vehicle falling, dislodging or turning over;

(7) A point of collection of refuse, trash, garbage, food waste, animal waste, or any other rotten or decaying matter of any kind;

(8) Having parts which are jagged or contain sharp edges of metal, plastic or glass; or

(9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the planning director.

Planning director means the planning director or designee, for the county.

Sheriff means the sheriff of the county.

Vector means any organism that carries disease-causing microorganisms from one host to another (i.e. rats, mosquitoes, etc.).

(Ord. No. 2021-05, 6-21-2021)

DIVISION 2. REGULATIONS

Sec. 32-25. Abandoned Vehicle Unlawful; Removal Authorized.

(a) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the public property after it has been declared an abandoned vehicle.

(b) If a motor vehicle is abandoned on public property, the board of commissioners may direct the sheriff, or designee to removal the vehicle to a designated storage area determined by the sheriff.

(Ord. No. 2021-05, 6-21-2021)

Sec. 32-26. Nuisance Vehicle Unlawful; Removal Authorized.

(a) It shall be unlawful for the registered owner, or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located, to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(b) Upon investigation, the planning director may determine and declare that a vehicle is a health or safety hazard and therefore a nuisance vehicle, and order the vehicle removed. Notice of the planning director's determination may be combined with any other notices required under this article. Notices shall be provided to the registered owner or person entitled to possession of the motor vehicle and/or the owner, lessee or occupant of the real property by first class mail except in situations where a name and address cannot be ascertained, notice may be given by affixation on the windshield or some other conspicuous place on the vehicle.

(c) In cases where it is impractical or impossible to find and/or prosecute the responsible party, the County may, at its discretion, have the vehicle towed in accordance with G.S. 153A-132.

(Ord. No. 2021-05, 6-21-2021)

Sec. 32-27. Right to Enter Premises.

The planning director shall have the right, upon presentation of proper credentials and identification, to enter any premises within the jurisdiction of this article during daylight hours to determine if any vehicle is in violation of this chapter.

(Ord. No. 2021-05, 6-21-2021)

Sec. 32-28. Junked Motor Vehicles Regulated; Removal Authorized.

(a) All junked vehicles must be kept in a garage or building structure that provides a complete enclosure so that vehicle(s) cannot be seen from a public street or from adjacent property. For purposes of this chapter, a garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations. A carport shall not be treated as an acceptable garage or enclosure under this chapter.

(b) It shall be unlawful for the registered owner, or person entitled to the possession of a junked motor vehicle, to place, store, leave or allow a vehicle to remain on any property in violation of this chapter or to allow a vehicle to remain on any property after the vehicle has been ordered removed from that property.

(c) It shall be unlawful for the owner, lessee or occupant of the real property, upon which a junked motor vehicle is located, to leave, or allow the vehicle to remain on the property in violation of this chapter after the vehicle has been ordered removed.

(Ord. No. 2021-05, 6-21-2021)

Sec. 32-29. Enforcement Provisions.

The planning director shall enforce this chapter. He may call upon other agencies as necessary to assist in the enforcement of this chapter.

(1) Whenever the planning director receives a complaint alleging a violation of this chapter, he shall investigate the complaint and take whatever action is warranted.

(2) The owner, tenant, or occupant of any building or land, and agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and be subject to all penalties and remedies.

(3) Upon discovery of a violation, the following procedures apply:

a. The planning director shall send a written notice to the person responsible for such violation, indicating the nature of the violation, the action necessary to correct it, and the number of days within which the violation must be corrected.

b. In cases that pose an immediate danger to the public's health, safety, or general welfare, the planning director may seek enforcement without proper written notice by invoking any of the penalties or remedies authorized in this section.

(4) The county may assess the following civil and criminal penalties:

a. A violation subjects the violator to a civil penalty in the amount of $50.00. Each day's continuing violation is a separate and distinct offense.

b. Reserved.

c. In addition to the foregoing enforcement provisions, this article may be enforced by any remedy provided in G.S. 153A-123. Each day's continuing violation is a separate and distinct offense.

(Ord. No. 2021-05, 6-21-2021; Ord. No. 2022-03, 2-7-2022)

Sec. 32-30. No Liability.

The county, or any person acting on behalf of the county in the enforcement of this article, may not be held to answer in a civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, junked, lost or stolen vehicle for the enforcement of this chapter.

(Ord. No. 2021-05, 6-21-2021)

Sec. 32-31. Exceptions.

This article does not apply to any motor vehicle that is located:

(1) In an enclosed building;

(2) On the premises of a business enterprise being legally maintained and operated primarily for the purpose of making repairs to motor vehicles or wholesale or retail sales of items or parts routinely used in motor vehicles, in a lawful place and manner if the vehicle is necessary to the operation of the business;

(3) On the premises of a business enterprise being operated in a legally zoned place and manner if the vehicle is necessary in the operation of the enterprise or needed in the operation of a bona fide farm; or

(4) In an appropriate storage place or depository maintained by the county.

(Ord. No. 2021-05, 6-21-2021)

Sec. 32-32. Changes in State Law.

Should G.S. ch. 153A and G.S. 153A-132.2, or any other section of the general statues incorporated herein by reference or otherwise referred to herein be changed or amended, or should such statutes require or mandate a different procedure or change or impose new, different or additional requirements, then, in that event, this chapter shall be deemed to have been amended without further action to have complied with such new, additional or amended requirements.

(Ord. No. 2021-05, 6-21-2021)