

**ARTICLE III. PERMITS AND CERTIFICATE OF NEED****Sec. 82-101. Permit, certificate or franchise required; exception.**

(a) All solid waste generated or otherwise found within the county shall be managed by persons holding valid permits for such activity, granted in accordance with this chapter, except as provided in this section. "Managed" as used in this section includes collection, transportation, and disposal by any means or method, and any aspect of handling hazardous or infectious waste prior to the time it is rendered safe, sanitary, and innocuous. Any person who engages in any solid waste management activity on a commercial basis, and any person who establishes a solid waste disposal facility, shall also hold a valid certificate of need or current county franchise.

(b) Any person desiring to remove, through use of its own personnel and equipment, any solid waste collected on its own premises or created by its own operation, either to the county's disposal facilities or to disposal facilities possessing an unrevoked permit and for which a valid certificate of need has been issued in accordance with section 82-102 may do so without reference to this section.

(c) The exception provided above shall not apply to infectious or hazardous wastes. All producers of such waste shall obtain a permit in accordance with section 82-103 specifying the exact means and methods of managing such solid wastes.

(Code 1985, § 1-29-74)

**Sec. 82-102. Certificates of need.**

Certificates of need as required by section 82-101 may be obtained for the management of solid waste in the following manner:

(1) *Information required.* An applicant for a certificate of need for a solid waste management activity or facility shall petition the board of county commissioners to determine the need of such requested service by the applicant. The applicant shall provide the board with the following information as applicable:

- a. A statement of purpose and need for the activity, service or facility.
- b. A statement of funding sources.
- c. A statement of financial resources of the applicant.
- d. A statement of the cost of operation.
- e. A statement of existing facilities or services available.
- f. Any other information requested by the board.
- g. Information described in subsections (1)b, c and d of this section shall not be required from persons desiring certificates of need to provide nonresidential solid waste management activities, services, or facilities.

(2) *Approval.* Upon the board determining and finding that the service, activity, or facility for which the certificate of need is requested answers a public need, is necessary for the welfare of the citizens and residents of the county, is consistent with any solid waste management plan adopted pursuant to article II, division 1 of this chapter, and will not impair or in fringe any obligations established by contract, resolution, or ordinance,

the board may issue certificate of need for such service, activity, or facility; provided, however, that the board shall not issue certificate of need to any person whose activities will result in a materially adverse effect on the net revenues of county's solid waste disposal system, as determined by the board. Consistent with such findings, the certificates shall specify the exact nature, extent, size, and duration of the service, activity, or facility which is to be allowed. Separate certificates shall be issued for collection/transportation and for disposal or recovery activities. Issuance of a certificate of need shall not relieve the holder from meeting permitting requirements of this chapter and all county, state, and federal laws and regulations. Certificates for collection/transportation on nonresidential solid waste shall be valid on a county-wide basis. No certificate of need for collection/transportation or disposal of nonresidential solid waste shall be denied solely because of the number of such certificates in effect at the time of such application; provided, however, that the number of permitted and/or certificated disposal facilities shall be considered in determining whether operation of such facility would be in the best interests of the public, and provided that the board shall not issue certificate of need to any person whose activities will result in a materially adverse effect on the net revenues of the county's solid waste system, as mentioned in this subsection.

(3) *Transfer or assignment.* No certificate of need shall be transferred or assigned without the prior written approval of the board of county commissioners.

(Code 1985, § 1-29-75)

### **Sec. 82-103. Solid waste management permits.**

Permits required under section 82-101 shall issued in the following manner:

(1) *Applications.* Any person desiring to obtain a permit shall file application for a permit with the director on application forms provided by the director and shall accompany such application with:

- a. Name and address of the applicant, showing its legal identity (individual, partnership, corporation, etc.).
- b. The business address of the applicant.
- c. An inventory of all motorized equipment or other equipment to be used in such collection, transportation, or disposal.
- d. The methods of storage, transport, and processing to be used.
- e. The location and type of processing and/or disposal contemplated.
- f. The types and amounts of wastes to be covered by permit, including description of project or process generating wastes.
- g. The route or routes to be used in transporting and schedules used.
- h. Issuance of county permits shall not relieve applicants from obtaining any required state or federal permits.
- i. Proof of all insurance and bonding required by this chapter (state financial responsibility limits for motor vehicles, etc.) or as established by resolution of the board from time to time.
- j. Proof that applicant has acquired any required certificates of need.
- k. Statement of desired duration of permit, if less than one year.
- l. Application fee established by resolution of the board.

m. All other information reasonably required by the director to fulfill the intent of this chapter.

(2) *Inspections.* Upon receipt of a completed application, the director shall, within five days, refer the application to the solid waste division for investigation. The solid waste division shall inspect all facilities and equipment to be used in the applicant's activity and shall report his findings to the director within six days of receipt, and the director shall take appropriate action within ten days thereafter.

(3) *Issuance.* Upon determining that the activity, service or facility for which the permit is sought will comply with the terms of this chapter and with all county regulations and ordinances, that no certificate of need is required, and that the applicant's service, activity, or facility will be in the best interest of the public, the director shall grant a permit allowing the pursuit of such activity upon such terms and conditions as the director may deem to be in the public interest.

(4) *Modifications.* If the director determines that a permit should not be issued based upon the above criteria, but if in the director's opinion, modification can be made which will bring the application within the intent and purposes of this chapter, he shall notify the applicant or applicants, in writing, setting forth the correction to be made and the time in which such correction shall be completed.

(5) *Denial.* If the applicant fails to make the corrections pursuant to the notice mentioned above within the time limit specified therein, or, if the administrator previously determined that a permit should not be issued based on the above criteria, the application shall be denied and the applicant notified, in writing, stating therein the reasons for denial. Nothing in this section shall prevent any applicant from reapplying after the rejection of his application, provided the requirements of this chapter are met. Appeals of such denials may be made in the manner provided for appeals or revocation of permits as provided in subsection (10) of this section.

(6) *Duration.* When issued, such permit shall be effective for the period of time necessary to accomplish the desired service, activity, or facility operation, up to a period of one year from the granting thereof, or in the case of a franchised holder, for the duration of the franchise, unless the permit is sooner revoked pursuant to the provisions of this chapter.

(7) *Permit renewal.* Any permit holder desiring to renew an existing permit shall complete and submit to the director an application therefor not more than 45 days nor less than 15 days before the expiration date thereof and shall tender with each application form such permit fees as are require by resolution of the board of county commissioners.

(8) *Permit number, display.* All motor vehicles operating under any permit required by this chapter shall display the permit number or numbers on each side, in colors which contrast with that of the vehicle, such numbers to be clearly legible and not less than six inches high.

(9) *Evaluation of performance.* The performance under this chapter of all those holding permits shall be evaluated by the director from time to time. If at any time during the life of the permit, performance satisfactory to the director shall not have been made, the permittee upon notification by the director, shall take necessary steps including, but not limited to, increasing the work force, vehicles and equipment as needed to properly perform his duties. The failure of the director to give such notification shall not relieve the permittee of his obligation to perform the work at the time and in the manner specified in his permit.

(10) *Revocation; appeals.* If, after notice of unsatisfactory performance has been given, the permittee has failed to make necessary corrections within a reasonable time,

the director may revoke the permit. Additionally, the director may revoke the permit of any permit holder when the director determines that the permit holder has failed to maintain proper insurance as required by the board of county commissioners. Appeal from any decision of the director revoking such permit may be taken to the board of county commissioners by the aggrieved party by filing a petition with the clerk of the board within ten days after the mailing of notice of such appeal. Upon receipt of such petition, the board of county commissioners shall set a time and place for a hearing upon the petition. The appeal shall proceed in accordance with due process of law. Revocations shall not be final until such appeals are heard.

(11) *List of permit holders.* The director shall maintain a complete listing of all persons holding permits to provide solid waste management services within the county. The listing shall contain the name and address of each person, its office telephone number, the number and types of vehicles used by such persons, the nature and extent of services, activities, or facilities permitted, and the expiration date of the permit.

(Code 1985, § 1-29-76; Ord. No. 2008-10, § 1, 1-24-2008)

#### **Sec. 82-104. Reserved.**

**Editor's note:** Section 1 of Ord. No. 2006-24, adopted March 16, 2006, repealed § 82-104, which pertained to special permitting procedures for disposal of construction and demolition debris, and derived from § 1-29-77 of the 1985 Code. The user is directed to § 82-224 et seq. for similar provisions.

#### **Sec. 82-105. Permit issuer's obligations.**

No permit shall be granted pursuant to section 82-103 if the granting of the permit will result in a materially adverse effect on the net revenues of county's solid waste disposal system, as determined by the issuer, provided, however, that this section shall not apply to disposal of construction and demolition debris permitted under section 82-104.

(Code 1985, § 1-29-78)

#### **Sec. 82-106. Transfer or assignment of permits.**

No permit shall be transferred or assigned without the prior written approval of the board of county commissioners.

(Code 1985, § 1-29-79)

Secs. 82-107--82-130. Reserved.