



Chapter 12 – SOLID WASTE MANAGEMENT

Sec. 12-1. - 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:

Business trash means every waste accumulation of dust, paper, paper cartons, cardboard cartons, excelsior, rags, and diapers or other accumulations, other than garbage or household trash, which are usually attendant to the operation of stores, offices, and similar businesses.

Commercial establishment means any hotel, motel, restaurant, food store, hospital, school, church or any nonresidential establishment at which garbage or trash may be generated.

Exposed materials and equipment means any accumulation of materials, including waste building materials (see section 12-5(4)), new building materials not associated with ongoing building projects, building materials other than those stored in authorized outdoor storage yards, and similar materials; and any accumulation of used or new equipment, such as refrigerators or other appliances, plumbing fixtures or equipment, generators, small commercial trailers, and similar equipment, stored out of doors and exposed to view from any public street or right-of-way.

Foreign material means construction or building waste, and includes such materials as sand, stone, brick, wood, concrete, metal, plaster, concrete or plaster block, paving, roofing, pipe, shingles, lawn renovating debris, sod, dead sod, tree stumps, discarded furniture, and household items.

Garbage means every waste accumulation of animal or vegetable matter which attends the preparation, use, cooking, processing, handling, or storage of meats, fish, fowl, fruits, vegetables, or other matter which is subject to decomposition, decay, putrefaction, or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects, or animals.

Household trash means every waste accumulation of paper, sweepings, dust, rags, bottles, cans, or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

Industrial waste means every waste accumulation of metal, metal products, minerals, chemicals, rocks, cement, asphalt tar, oil, grease, glass, crockery, rubber tires, bottles, cans, lumber, ashes, sawdust, wastes from animal packing or slaughterhouses, or other materials usually created by commercial enterprises, and industrial plants, but not garbage, household trash, or business trash.

Living unit means any place of abode which is suitable for permanent or transient family or individual residence use. Each such living unit shall be considered as single and separate for the purposes of this chapter.

Multifamily apartments means all places of abode other than single-family residences.

Refuse means solid waste accumulations consisting of garbage, household trash, and business trash.

Single-family residence means any single-family dwelling, and is interchangeable with the word "household," and includes single-family condominium units.

Tree trimmings means every waste accumulation of tree branches, tree trunks, tree limbs, parts of trees, bushes, or shrubs, greenleaf cuttings, fruit, or other vegetation.

Yard trash means every waste accumulation of lawn, grass, or shrubbery cuttings or clippings and dry leaf rakings, free of dirt, rocks, large branches, and bulky or noncombustible material.

(Code 1982, § 9.21; Ord. of 3-4-92, § 1; Ord. of 10-3-92, § 1)

Sec. 12-2. - Receptacles and containers—Required.

It shall be the duty of every person in possession, charge, or control of any place in or from which business trash, foreign material, garbage, household trash, industrial waste, tree trimmings, and yard trash is created, accumulated, or produced, to provide and at all times to keep in a suitable place readily accessible to the city collection crews or private collection agencies, adequate and suitable receptacles and containers capable of holding all such waste materials which would ordinarily accumulate between the times of successive collections. The owner of any multifamily apartment shall furnish or require his tenants to furnish proper waste receptacles and containers. All waste is to be bagged and placed in an approved receptacle or container, failure to do so shall result in penalties described in Section 12-14.

(Code 1982, § 9.22)

Cross reference— Receptacles required, § 13-19.

Sec. 12-3. - Same—Specifications.

- (a) All receptacles and containers as required under this article shall be of safe construction and design and shall be maintained in good and serviceable condition. Any receptacles or containers which do not conform to the provisions of this chapter

or which have ragged or sharp edges or any other defects which are reasonably liable to hamper or injure the person collecting the contents thereof or the public generally shall be promptly replaced upon notice.

- (b) Refuse containers shall be constructed of heavy plastic or metal. Containers or cans shall be equipped with suitable handles, tight-fitting covers or lids with hand grips, shall be watertight, not more than one hundred (100) gallons, two wheels, and shall be equipped with the proper devices to be mechanically lifted and emptied by the sanitation truck. It is required that refuse containers be bear resistant. Refuse not placed in a proper container will not be picked up by the Sanitation Dept. Use of an improper container shall be considered a nuisance and shall be subject to penalties described in Section 12-14. Receptacle enclosures shall be constructed as to allow the receptacle to be rolled out, not lifted. Compliance with the proper receptacle shall be achieved by January 1, 2020 for Commercial customers. Compliance with the proper receptacles shall be achieved by August 1, 2020 for Residential customers.

(Code 1982, § 9.25)

Sec. 12-4. - Precollection practices.

- (a) *Dangerous trash items.* All dangerous trash items, and all waste material of an injurious nature, such as broken glass, light bulbs, razor blades, sharp pieces of metal, fluorescent tubes, television tubes, and the like shall be securely wrapped to prevent injury to the collection crews.
- (b) *Yard trash.* The town will not collect yard trash, as defined by this chapter.
- (c) *Tree trimmings and loose yard trash.* The town will not collect tree trunks, tree stumps, tree branches, or tree limbs of any size.
- (d) *Foreign material and industrial waste.* Foreign materials and industrial waste, including construction trash, debris from clearing lots, wire, metal, plaster, concrete, blocks and bricks, and discarded furniture and major appliances, including washing machines, clothes dryers, refrigerators, hot water heaters, ranges, bedding, television sets, and must be disposed of by the owner of such material.
- (e) *Bear resistant Enclosures for Bear resistant Receptacles.* Bear resistant Receptacles are required. Bear resistant Structures may be permitted for bear resistant receptacles within the right -of-way in non- commercial districts. Bear Resistant Enclosures for bear resistant receptacles within the commercial zoned districts are allowed only by written permission of the Town. The Town may request the bear resistant structure be removed at any time in any district

(Code 1982, §§ 9.26, 9.29; Ord. of 6-15-94, §§ 1, 2)

Sec. 12-5. - Accumulation for collection.

All accumulations of refuse and trash shall be stored or placed for collection in accordance with the following provisions:

- (1) *Public streets and private property.* No person shall place any accumulations of refuse and trash, whether enclosed in authorized receptacles and containers or loosely accumulated, in any street, alley, or other public place of travel, nor upon any private property except the person's own property, except on the days when it is scheduled to be collected. In all cases where conditions permit, the placement for collection shall be in the area between the street pavement and sidewalk line, or immediately adjacent to the street if there is no sidewalk. No dumpsters shall be placed within the public street right-of-way. The Town shall remove all existing dumpsters within the right-of-way. It is the person's responsibility to secure all refuse and trash from animals, the Town shall not clean up litter from unsecured receptacles. Failure to secure the receptacle from animals shall result in penalties as described in section 12-14.
- (2) *Blockage of storm drains.* No person shall place any refuse, trash, garbage cans, or trash bags on, upon, or over any storm drain, or so close thereto as to be drawn by the elements into such drain, which would result in or tend to cause a blockage of any part of such storm drainage system.
- (3) *Unauthorized accumulations.* Any unauthorized accumulation of refuse, business trash, foreign material, or industrial waste, on any lot, property, premises, public street, public right-of-way, alley, or other public place of travel is hereby declared to be a public nuisance and is prohibited. In addition, any unauthorized accumulation of exposed materials and equipment on any commercially-zoned property is hereby declared to be a public nuisance and is prohibited. Failure to remove and correct any such unauthorized accumulations of refuse shall be deemed a violation of this chapter, and shall be subject to the penalties described in section 12-14.
- (4) *Waste building materials.* Notwithstanding subsection (3) of this section, waste building materials, defined as foreign material by this chapter, shall be permitted to be stored for a period of up to sixty (60) days at ongoing building sites under the following conditions:
 - a. No such materials may be located within rights-of-way or on private property other than that of the building site;
 - b. No material which could be moved by the elements, such as paper, rags, cloth, or other fibers, shall be stored at the site for any length of time; and
 - c. All waste building materials shall be removed and property disposed of when a project has been completed.

(Ord. of 3-4-92, §§ 2, 3; Ord. of 10-3-92, § 2)

Sec. 12-6. - Collection practices.

- (a) The town shall provide refuse collection service to each business establishment, residence, or living unit within the town's corporate limits which is occupied a part of each fiscal year. If any structure shall have more than one (1) family or business occupying it, the town shall provide such service to each occupant of the structure.

Except in the event of inclement weather or other acts of God, each customer shall receive refuse pickup service not less than once a week.

- (b) The schedule for refuse collection and the charges the town shall levy against each customer shall be as determined from time to time by the board and listed in the manual of fees and charges on file at the office of the clerk. Any customer may petition the town for more frequent collection of refuse from his premises and the town may, at the discretion of the board, provide such increased services upon such terms and as the board may reasonably require. In the case of new structures, a refuse collection charge shall be levied upon issuance of a certificate of occupancy.
- (c) Upon petition of any residential customer residing within the town limits upon land classified for taxation at a reduced valuation pursuant to G.S. section 105-277.1, the board may waive the refuse collection fee assessed against the customer. However, the town shall nevertheless continue to collect refuse from that person's premises on a once a week basis.
- (d) All receptacles shall be removed from their positions adjacent to the street or sidewalk after the contents have been emptied on that same day. It shall be unlawful for any person to damage, displace, or otherwise interfere with refuse containers or their contents except the owner or upon permission or at the request of the owner. All household garbage, commercial garbage or any other types of waste shall be placed in garbage bags prior to being placed in any type of receptacle. No loose garbage of any type shall be placed in any receptacle. Penalties shall be as described in section 12-14.
- (e) Notwithstanding the foregoing, the town reserves the right to reject the collection of certain specific categories of refuse, in accordance with mandatory state or county solid waste regulations, or in accordance with any recycling program the town may adopt, including materials such as cardboard, aluminum, glass, or plastics. Upon adequate notice to its customers, the town may require such refuse to be separated from other refuse and/or disposed of by the customer.

(Code 1982, § 9.32; Ord. of 6-15-94, § 3)

Sec. 12-7. - Construction material not town's responsibility.

The town shall not be responsible for the collecting or hauling of trash, discarded building material, dirt, rock, plaster, lumber, metal, or other like materials originating from private property preliminary to, during, or subsequent to the construction of new buildings, alterations, or additions to existing buildings of whatsoever type. Such material shall be removed by the owner of the property or by the contractor. No certificate of occupancy shall be issued until such material has been removed by the owner or contractor.

(Code 1982, § 9.29)

Sec. 12-8. - Collection and disposal by commercial establishments, and private collectors.

- (a) The actual producers of refuse or the owners of the premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, persons who desire to dispose of waste material not included in the definition of refuse, or private collectors of refuse from within the town or outside of the town who desire to haul over the streets of the town shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being dropped, blown, or spilled.
- (b) The town shall have the authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over town streets by outside collectors or individuals as it shall find necessary.

Sec. 12-9. - Commercial establishments.

All commercial establishments shall store their refuse in containers or otherwise secure it so as to eliminate wind-driven debris and unsightly litter in and about their establishments. Approved methods of securing trash shall include containers, bins, fenced or walled trash storage areas, or dumpsters operated by the Town.

Sec. 12-10. - Vacant lots.

It shall be unlawful for any person to throw any paper, trash, or debris, scrap building material, or foreign material of any kind upon any vacant or unoccupied lot within the town.

Sec. 12-11. - Littering unlawful.

It shall be unlawful for any person to throw any paper, trash, garbage, or debris upon any street, alley, park, or other public or private property in the town. It shall further be unlawful for any person to cast or throw, or cause to be cast or thrown, into any of the gutters, drains, or sewers within the town, any garbage, tree or grass cuttings, or other substance calculated to cause any obstruction or nuisance to the gutters, drains, or sewers. Penalties for littering shall be as set forth in section 12-14.

Sec. 12-12. - Burying refuse; polluting waters.

It is declared to be unlawful and to constitute a nuisance for any person to deposit on or to bury in or cause to be deposited on or buried in any public square, street, alley, vacant or unoccupied lot, sidewalk, parkway, or bank of any lake, stream, or waterway, any trash, rubbish, fruit peelings, debris, refuse, garbage, brush, cans, boxes, oil, or vegetable or mineral matter, or to do any act that will pollute or tend to pollute the waters of any lake, stream, or waterway.

(Code 1982, § 9.23)

Sec. 12-13. - Spilling material on streets.

- (a) It shall be unlawful for any person hauling any material whatsoever, whether refuse, trash, fill, rock, sand, concrete, or whatever, to spill such material from the hauling vehicle onto the streets of the town.
- (b) No solid waste shall be transported except in conformance with this section. The vehicles or containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be completely and securely covered to prevent materials from blowing out of the vehicle. Materials spilled by the hauler shall be picked up immediately by the hauler and returned to the vehicle or container, and the area properly cleaned.
- (c) This section shall not prevent the use of a private car or truck in transporting properly contained wastes to a landfill or transfer station, provided the hauler ensures that the solid wastes will be covered during transportation and that no spillage or leakage occurs.

(Amend. of 3-17-99)

Sec. 12-14. - Penalties.

Violations of this chapter shall be punishable by a civil penalty of fifty dollars (\$50.00).

(Code 1982, § 9.34; Ord. of 3-4-92, § 4)