

CHAPTER 11: SOLID WASTE

Article

I. IN GENERAL

Notes

- ¹ Editor's note:
Ordinance 16-92, adopted August 3, 1992, amended Ch. 11 in its entirety to read as herein set out. Former Ch. 11, §§ 11-101-11-112 pertained to similar subject matter, and derived from Code 1976, §§ 9-15-9-26-9-36.
Cross-reference:
Rubbish in the cemetery, § 7-112; Health and Sanitation, Ch. 12; Nuisances, Ch. 14; dumping garbage, etc., in parks, § 16-216; Planning, Zoning, and Subdivision control, Ch. 17; throwing or burning trash on streets prohibited, § 19-101; abandoned vehicles, § 20-1201 et seq.
Statutory reference:
Littering, G.S. § 14-399; regulation of trash and garbage, G.S. §§ 130A-309.09A, 130A-309.10, 160A-303.1; solid waste collection as a public enterprise, G.S. § 160A-311.

ARTICLE I: IN GENERAL

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§ 11-101 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning:

ASHES. The residue from the burning of wood, coal, coke, or other combustible materials.

BUILDING MATERIALS. Scrap building material from the construction, reconstruction, remodeling, or repair of a building, walkway, driveway, sign, and other structure, including, but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber, or any other similar material used in construction, or the containers or wrappings thereof.

COMMERCIAL OR BUSINESS UNIT. Any building, or structure, in or from which a business, trade, or commerce is conducted.

DIRECTOR. The Director of Public Works of the town.

GARBAGE. All putrescible wastes, including animal and vegetable matter, animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human wastes.

HAZARDOUS REFUSE. Any materials such as poison, acids, caustics, reactive chemicals, infected material, radioactive, or explosives.

MULTIPLE RESIDENTIAL UNIT. Any duplex apartment, or group of apartments, under a single roof and used for dwelling places for more than one family.

REFUSE. All putrescible and non-putrescible wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

REQUIRED CONTAINER. A covered container not to exceed 96 gallons designed for use by residential units for storage

of garbage and other miscellaneous refuse.

RUBBISH. Non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.

SINGLE RESIDENTIAL UNIT. Any dwelling place occupied by one family.

SMALL DEAD ANIMALS. Cats, dogs, and small household pets of 70 pounds, or less, in weight.

SOLID WASTE. Garbage, refuse, rubbish, trash, and other discarded solid materials, including solid waste materials resulting from homes, businesses, industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage, or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants.

(Ord. 16-92, passed 8-3-1992)

§ 11-102 TOWN TO COLLECT GARBAGE; EXCEPTIONS.

(A) *Town to collect garbage.* Except as provided by subsection (B) below, all refuse accumulated in the town shall be collected, conveyed, and disposed of by the town, or its authorized contractor. Except as authorized herein, no person shall collect, convey over any of the streets or alleys of the town, or dispose of any refuse accumulated in the town.

(B) *Exceptions.*

(1) This article shall not prohibit the actual producers of refuse, or the owners of premises on which refuse has accumulated, from personally collecting, conveying, and disposing of solid waste generated on the premises; provided, the producers, or owners, comply with the provisions of this article, and with any other governing law or ordinances.

(2) This article shall not prohibit any person operating under a license, franchise, or contract expressly granted by the governing authorities of the county, or operating pursuant to the provisions of this article, from collecting, conveying, and disposing of refuse; provided, the persons comply with the provisions of this article, and with any other governing law or ordinances.

(3) This article shall not prohibit collectors of refuse from outside of the town from hauling refuse over the town streets; provided, the collectors comply with the provisions of this article, and with any other governing law or ordinances.

(Ord. 16-92, passed 8-3-1992)

§ 11-103 COLLECTION TO BE SUPERVISED BY DIRECTOR OF PUBLIC WORKS.

All refuse accumulated in the town shall be collected, conveyed, and disposed of by the town under the supervision of the Director of Public Works, with the exceptions noted in § 11-102(B).

§ 11-104 PREPARATION AND COLLECTION OF GARBAGE, RUBBISH, AND TRIMMINGS.

The following regulations shall govern the preparation of refuse for collection and disposal.

(A) *Garbage.* All garbage and refuse shall have the liquid drained therefrom, and shall be wrapped in paper, plastic, or other like material before it is placed in the container for collection. Ashes and cinders shall be placed in a separate container provided for that purpose, and no ashes shall be deposited in any container until they are cold. Containers which fail to have a top, as required in this article, or which become rusted or broken, and therefore are unable to contain garbage and refuse in a satisfactory manner, shall not be used.

(B) *Rubbish.* All rubbish shall be drained of liquid before being deposited for collection.

(C) *Trimnings.* Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed eight feet, and a diameter of no more than eight inches, and shall be hand placed at the edge of the yard with the cut end towards the road for easy pickup. Trunk cut lengths shall not exceed three feet in length. It shall be unlawful for any person to place, or allow to be placed, any tree or shrubbery trimmings on any streets or sidewalks in the town so as to obstruct free passage of persons and vehicles thereon.

(D) *Yard waste.*

(1) Tree limbs, brush, shrubbery, cuttings, leaves, and other yard refuse will be collected without charge so long as the amount does not exceed 18 cubic yards in a one week (seven days) time span. All yard debris/refuse must have originated on site, and be placed within five feet of the street/sidewalk. At no time can yard debris/refuse be placed in the street or on the sidewalk. By placing debris/refuse out for collection, the citizens/property owner agrees to hold the town harmless for any minor damage to their yard and/or property as a direct result of removing the yard debris/refuse. Any collection above and beyond the 18 cubic yard threshold will be collected on a first come, first serve basis. Nothing in this article would prohibit any citizens/property owner from hiring contractors for removal of yard debris/refuse at their own expense.

(2) Property owners may rent a dumpster from the town, when available, to dispose of larger accumulations. No stumps will be picked up.

(E) *Special bulk collection of loose matter.* Any property owner desiring special bulk collections of loose matter not in

closed containers, or tied in bundles, may request a special collection for which a charge will be made. If sufficient workforce and equipment is/are available, town personnel are authorized to make such special collections; provided, the person making the request agrees to pay for the labor and equipment used at the rate adopted, from time to time, by the Town Council. Alternately, property owners may rent a dumpster from the town, when available, to dispose of special bulk collections.

(F) *Large rocks, tree trunks, tree stumps, tree limbs, construction, and demolition debris.* No large rocks, tree trunks, tree limbs of more than eight feet in length, or any other heavy objects shall be collected by the town. No waste construction and demolition debris structures under construction or recently completed. Notwithstanding the foregoing sentence, the town will collect construction and demolition debris if:

- (1) The debris was generated by a home owner working on his or her own home; or
- (2) If the debris fits within the size limitations set forth in this subsection (F) and subsection (D) above.

(G) *Special collections.* Material to be collected by special collections shall be placed in neat piles and so located that such refuse can be easily loaded on trucks for disposal. Materials shall not block sidewalks or roadways.

(H) *Limitations on town pickup.* Any person or business requiring regular pickup of more than three 55-gallon garbage cans of solid waste, or an amount of equivalent thereto, must contract with a private solid waste collector for pickup.

(I) *Recycling.* Materials to be recycled shall be placed in receptacles provided by the town, and shall be subject to such requirements and limitations as the town may impose.

(Ord. 16-92, passed 8-3-1992; Ord. 33-2003, passed 11-3-2003; Ord. 4-2006, passed 2-6-2006; Ord. 30-2014, passed 8-4-2014)

§ 11-105 REFUSE CONTAINERS.

(A) The occupant of every building or premises where garbage and refuse does, or may, exist shall be provided, by either the town and/or a contractor representing the town for waste collections, one 96-gallon garbage container, and one 96-gallon recycle container in which shall be deposited all garbage and refuse existing at such building or premises. Each container shall be placed within four feet of the street, with the lid completely closed, and the wheels facing away from the street by 6:00 a.m. on the day of collections. The containers shall also be placed so that no obstacles are located within four feet of each container.

(B) (1) The level of garbage service provided by the town shall not exceed one 96-gallon can per establishment picked up one time per week.

(2) Any residential establishment that exceeds this level of service shall contract with the town and/or a contractor representing the town for waste collections, for an additional container (maximal of two 96-gallon containers total) at their own cost. Any customer may request an additional recycle container as well, following the same regulations as for garbage collections. Churches and small commercial establishments shall request an additional container at no additional cost, for a maximal of two 96-gallon containers. Any customer exceeding 192 gallons of waste per week must use a commercial garbage collection system. Industrial garbage or trash will not be collected by the town, and private collectors must be used.

(Ord. 16-92, passed 8-3-92; Ord. 24-98, passed 7-20-98; Ord. 32-98, passed 9-21-98; Ord. 36-2014, passed 11-17-2014)

§ 11-106 REFUSE TO BE STORED IN CONTAINERS; SCATTERING OF REFUSE IN PUBLIC PLACE PROHIBITED.

(A) All refuse which readily fits into a container shall be placed into a container referred to in §11-105 for pickup by the town's garbage collection crews.

(B) No person shall place any refuse in any street, alley, or other public place, or on any private property, whether owned by the person or not, within the town except in proper containers for collection, or under express approval granted by the Director of Public Works; nor shall any person throw, or deposit, any solid waste in any stream, or other body of water.

(C) No person shall throw, place, sweep, or deposit anywhere within the town any solid waste in such a manner that it may be carried, or deposited, by the elements on any street, sidewalk, alley, sewer, parkway, or other public place, or into any occupied premises within the town.

(Ord. 16-92, passed 8-3-1992)

§ 11-107 POINTS OF COLLECTION.

(A) Where the container required by § 11-105 is used, the owner, tenant, lessee, or occupant of the premises shall be responsible for causing the container to be placed at the curb, or side, of the street, but not in the portions of the street used for vehicular travel, at a place readily accessible for collection by the town's garbage collection crews.

(B) Pick up schedules for each area of the town are available at Town Hall. Containers must be placed at curbside of the day of pickup by 6:00 a.m. Plastic bags may be used, but must be kept in containers except the day of the pick up, and shall not exceed the equivalent of three 55-gallon cans. Containers shall not be placed adjacent to the street or sidewalk except on the days on which garbage is to be collected. Garbage containers shall be removed from their positions adjacent to the street after the contents have been emptied on that same day. Town equipment shall not go onto private property for the purpose of garbage collection.

(C) No person shall disturb, or interfere with, the content of any container, or the container itself, which has been set out for collection, and removal, by the town.

(Ord. 16-92, passed 8-3-1992)

§ 11-108 SPECIAL SOLID WASTE PROBLEMS; PROHIBITED SOLID WASTE DISPOSAL.

(A) *Contagious disease refuse.* The removal of wearing apparel, bedding, or other refuse from homes or other places where highly infectious, or contagious, diseases have prevailed should be performed under the supervision, and direction, of the County Health Officer. This refuse shall not be placed in containers for regular collections.

(B) *Inflammable or explosive refuse.* Highly inflammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the Director of Public Works at the expense of the owner, or possessor, thereof.

(C) *Leaves.* The town will collect leaves between October 1 and January 15 of each year if piled in accessible locations at the street, or alley, from which other collections are normally made. Leaf collections, other than between the above dates, shall be in a container approved by the town. Leaves shall not be raked onto sidewalks, curbs, or into the streets.

(D) *Tires.* Automobile, truck tractor, or implement tires shall not be placed in containers for collection, and will be collected under the following circumstances. To be acceptable for collection, the owner of such tires will contact the Public Works Department and request that they be picked up. There will be a charge for these tires to offset landfill disposal fees. No tires will be picked up from tire dealers, garages, or other commercial enterprise.

(E) *Building materials and the like.* All construction and demolition debris remaining both as a result of the repair of any new buildings, or of the erection, and completion, of any new buildings, shall be removed by the property owner within ten days from the completion of the work.

(F) *Removal of dead animals.* Dead animals will be removed from any premises by the town upon notice to the Director of Public Works of the existence of such dead animal.

(G) *Hazardous waste.* No hazardous solid, or liquid, waste shall be put in any receptacle for collection by the town.

(H) *Grass.* Grass clippings, as a result of mowing or raking, shall not be thrown into the street, curb, or on the sidewalks. The town will not collect any cut grass, or grass of any kind, piled by the road, or placed in any other location in the town. To be accepted for collection, grass which has been cut must be placed in a clear plastic bag with the top securely tied, and placed by the side of the road in a place where garbage, or other refuse, is usually collected.

(I) *Prohibited disposals.*

(1) No person shall knowingly dispose of the following solid wastes in landfills or in garbage cans for collection by the town, except in accordance with G.S. § 130A-309.130 et seq.:

(a) Used oil;

(b) Yard trash, except in landfills approved for the disposal of yard trash under rules adopted by the State Commission for Public Health. Yard trash that is source separated from solid waste may be accepted at a solid waste disposal area where the area provides, and maintains, separate yard trash composting facilities;

(c) White goods;

(d) Antifreeze (ethylene glycol);

(e) Aluminum cans;

(f) Whole scrap tires. The prohibition on disposal of whole scrap tires in landfills applies to all whole pneumatic rubber coverings, but does not apply to whole solid rubber coverings;

(g) Lead-acid batteries;

(h) Beverage containers that are required to be recycled under G.S. § 18B-1006.1;

(i) Motor vehicle oil filters;

(j) Recyclable rigid plastic containers that are required to be labeled, as provided in G.S. § 130A-309.10(e), that have a neck smaller than the body of the container, and that accept a screw top, snap cap, or other closure. The prohibition on disposal of recyclable, rigid plastic containers in landfills does not apply to rigid plastic containers that are intended for use in the sale, or distribution, of motor oil;

(k) Wooden pallets, except that wooden pallets may be disposed of in a landfill that is permitted to only accept construction and demolition debris;

(l) Oyster shells;

(m) Discarded computer equipment, as defined in G.S. § 130A-309.91;

(n) Discarded televisions, as defined in G.S. § 130A-309.91;

(o) Steel or metal alloys; or

(p) Any other items banned at the county landfill.

(2) From time to time, the town may prohibit other items for solid waste disposal. While every effort will be made to keep this article updated, the most current list of prohibited items shall be available at Town Hall. The list provided at Town Hall shall be deemed to preempt the list contained in this subsection (l).

(Ord. 16-92, passed 8-3-1992)

Statutory reference:

Prohibited items, G.S. § 130A-309.10.

§ 11-109 REFUSE COLLECTION BY ACTUAL PRODUCERS, FRANCHISED COLLECTORS, AND OUTSIDE COLLECTORS.

The following provisions shall govern the collection of solid waste by persons authorized to do so pursuant to §11-102(B).

(A) *Requirements for vehicles.* Vehicles shall be operated, and solid waste shall be so enclosed and/or covered so as to prevent offensive odors escaping therefrom, and solid waste from being blown, dropped, or spilled.

(B) *Disposal.* Solid waste shall be disposed of only in authorized landfills, recycling centers, or otherwise in accordance with state law.

(C) *Rules and regulations.* The Director of Public Works shall have the authority to make any other reasonable regulations concerning individual collection and disposal, and relating to the hauling of solid waste over town streets.

§ 11-110 REFUSE PROPERTY OF TOWN.

Ownership of refuse material set out for collection by the town shall be vested in the town.

(Ord. 16-92, passed 8-3-1992)