

## Chapter 22

### SOLID WASTE\*

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\* **Cross References:** Buildings and building regulations, ch. 8; removal of rubbish from cemeteries, § 12-17.

**State Law References:** Municipal authority to require the use of solid waste collection services, G.S. 160A-317(b); authority contract with private solid waste collection firms, G.S. 160A-324.

**ARTICLE I.**  
**IN GENERAL**

**Sec. 22-1. 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:

*Animal and agricultural wastes* means, principally, the manure and crop residue from various agricultural pursuits including dairying and raising of livestock and poultry. Animal waste also includes, in addition to items mentioned above, wastes from stables, kennels, pet pens, chicken coops, veterinary establishments and the like.

*Ashes* means the residue from the burning of wood, coal, coke and other combustible material in homes, stores, institutions and small industrial establishments for the purposes of heating, cooking and disposing of combustible waste material. Ashes are usually composed of a mixture of fine powdery residue, cinders, clinkers and small portions of unburned or partially burned fuel or other materials. Ashes shall contain no live embers or other burning materials.

*Building rubbish* means any materials or other substances accumulated as a result of repairs or additions to existing buildings, construction of new buildings, demolition of existing buildings or moving of buildings, including but not limited to bricks, stone, concrete, wood, lumber, siding shingles or roofing shingles of any type, etc.

*Contracted services* means any tree or shrubbery trimming resulting from work performed by landscaping or tree service contractors or other commercial workmen, whether full-time or part-time, including, but not limited to land clearing work. Work performed by the residential owner, or owner's immediate family, or other person without remuneration is not included.

*Dead animals* means those animals that die naturally or from disease or are killed accidentally. Condemned animals or parts from slaughterhouses or similar places are not included in this item.

- (1) *Small dead animals.* Dogs, cats, rabbits, squirrels, chickens, rats and other similar animals.
- (2) *Large dead animals.* Horses, cows, goats, sheep, hogs and other similar animals.

*Declared nuisance* means anything that causes injury or damage to the health or life of any person or that causes an offensive odor.

*Garbage* means the by product of animal or vegetable foodstuffs, resulting from the handling, preparation, cooking and serving of food, 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, other insects or animals.

*Hazardous refuse* means materials such as paint, poison, acids, caustics, chemicals, infected materials, offal, fecal matter and explosives and any other material declared hazardous by the U.S. EPA or any other responsible agency.

*Household trash* means any 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 all waste, including solids, semisolids, sludges and liquids, created by factories, processing plants or manufacturing enterprises.

*Junk* means any item, including, but not limited to, dilapidated furniture, appliances, machinery, equipment, building materials, automobile parts, tires, or other items which are either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition.

*Litter* means all illegally discarded manmade materials including, but not limited to, building materials, business trash, garbage, household trash, industrial waste, refuse, yard trash and other solid wastes.

*Multiresidential unit* means any duplex, apartment, group of apartments or condominiums or housing units designed for or occupied by more than one family.

*Normal use (roll-out container)--Business* means placement of any variety of both combustible and noncombustible solid waste materials from businesses; including such items as plastic, waste paper, rags, sweepings and similar waste materials ordinarily accumulated in general business operations. This list shall not include oil, oil cans, paint/paint thinners, etc.

*Normal use (roll-out container)--Residential* means placement of any variety of both combustible and noncombustible solid waste materials from households;

including such items as plastic, waste paper, rags, sweepings and similar waste materials ordinarily accumulated around a house.

*Private property* means property owned by any person, not a political entity, including, but not limited to, yards, grounds, driveways, entrances of passageways, parking areas, storage areas, vacant land, bodies of water and including sidewalks, grass strips, one-half of alleys, curbs or right-of-ways up to the edge of the pavement of any public street.

*Refuse* means solid waste consisting of garbage, household trash or business trash.

*Rollcart* means a plastic, mobile, top-loading, residential refuse container of 90-gallon capacity compatible to the city collection equipment.

*Single residential unit* means any dwelling place designed for or occupied by one family.

*Weeds and grass* means weeds and grass in excess of 12 inches in height. Weeds and grass on heavily wooded lots where equipment cannot maneuver on the lot because of the density are not included in this definition.

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

(Ord. of 2-10-92, § 17-1)

**Cross References:** Definitions generally, § 1-2.

### **Sec. 22-2. Prohibited disposal of wastes generally.**

(a) It shall be unlawful for any person to dump, throw or otherwise deposit upon any city street or sidewalk or in any public place not designated for such purpose any scrap paper, bottles, cans, glass, rags, tires, feathers, building material scraps, tree and shrubbery trimmings, liquid wastes, lubricating or fuel oil, flammable or combustible wastes or any other trash, refuse or debris.

(b) It shall be unlawful for any person to obstruct or cause to be obstructed the free flow of water in, over, along, upon or through any drainageway in any public street or other public way or in any creek, stream or other natural drainage course within the city limits by depositing any trash, refuse, tree or shrubbery trimmings, building material scraps or other matter therein.

(c) It shall be unlawful for any person to

dump, deposit or cause any gasoline, fuel oil, Nephro or other flammable liquid, or any wastes containing a toxic or poisonous substance, or any lubricating oil, grease or detergent to drain into any drainage ditch, street gutter, culvert or other drainageway in any public street or other public way or in any creek, stream or other natural drainage course within the city limits. It shall also be illegal to place any type lubricating oil, or other above named materials in any container provided by the city for garbage pick up.

(d) No person shall throw, drop or deposit, or cause to be thrown, dropped or deposited on any land in the city, vacant or occupied, including specifically streets, alleys, sidewalks or other public and semipublic areas or in any waters under jurisdiction of the city, any wastes, including but not limited to refuse, garbage, ashes, rubbish, dead animals or fish, paper, drinking cups, broken glass, tacks, brush, grass, weeds, and anything injurious to health. If any person, while transporting or hauling or causing to be transported or hauled, such rubbish, material, earth excavation, coal or other material, shall throw, drop or deposit, or cause to be thrown, dropped or deposited, such rubbish, or material from the body of a vehicle, in violation of the provisions of this subsection, such person must daily clean up and remove such rubbish or material in a manner satisfactory to the director of public works, failing which the department may clean up and remove such rubbish and material, and the city may collect the cost of such cleaning up and removal from such person.

(Ord. of 2-10-92, § 17-2)

### **Sec. 22-3. Waste matter which is subject to scattering.**

Except as provided in article II of this chapter, it shall be unlawful for any person to deposit or permit to accumulate any waste matter or refuse of any description which is subject to scattering by animals or the elements of nature on that part of any property which is adjacent to a street or public place. This section shall not prohibit the burning of trash on one's own property when approved and permits are issued.

(Ord. of 2-10-92, § 17-3)

### **Sec. 22-4. Transportation of garbage and other refuse.**

No swill, slops, garbage, bones, offal, kitchen waste or refuse shall be transported through the city streets of the city except in watertight containers with tightfitting covers.

(Ord. of 2-10-92, § 17-4)

### **Sec. 22-5. Depositing debris in catch basins, manholes or drains.**

No person shall throw, drop or deposit leaves, shrubs, grass clippings or any other debris into any catch basin, manhole or drainage ditch or structure in the city. (Ord. of 2-10-92, § 17-5)

**Secs. 22-6--22-35. Reserved.**

## ARTICLE II.

### COLLECTION AND DISPOSAL\*

\* **State Law References:** Regulation of the placing of trash, refuse and garbage within municipal limits, G.S. 160A-303.1.

#### **Sec. 22-36. Permit required to engage in contracted services.**

A permit will be required for any contracted services. (Ord. of 2-10-92, § 17-6)

#### **Sec. 22-37. Collection practices.**

(a) Industrial waste shall be collected, removed and disposed of by the operator of the factory, plant or enterprise creating or causing the same in accordance with applicable provisions of this Code.

(b) Building rubbish, including items from large scale inside work, such as carpet, padding, etc., shall be collected, removed, and disposed of by the contractor or person constructing, repairing or demolishing any building, or in their failure to do so, by the owner of the property.

(c) No refuse shall be collected where refuse receptacles cannot be serviced by sanitation personnel without unlocking, opening or reaching over a door, gate, or similar obstacle, encountering a porch, encountering a dog, or otherwise being denied reasonable access by parked vehicles, yard tools, equipment or similar object. (Ord. of 2-10-92, § 17-7; Ord. of 3-2-92, § 1; Ord. of 6-8-92, § 1)

#### **Sec. 22-38. Regulations relating to containers.**

(a) Every person owning or occupying a single-family or a multifamily residential unit shall store all garbage and refuse in containers so as to eliminate wind driven debris and unsightly litter in and about their premises.

(b) Each residential unit, not using dumpster service, shall use at least one roll-out container so long as such containers are provided by the city. Additional containers, if needed, may be obtained, when supplies permit. Each container will remain the property of the city. The container shall not be moved from the residence where assigned. The maximum number of roll-out containers allowed per residence shall be six.

(c) All persons doing business within the city may be provided containers as outlined in this section if dumpster service is not utilized. The public works director shall make the final decision as to the need for dumpster service for businesses. The maximum number of containers allowed per business shall be determined from time to time by the city council as a matter of policy.

(d) Containers shall be used for the purpose of holding regular household refuse. No items such as sticks, yard clippings, leaves, etc., may be placed in roll-out containers after December 1, 1992.

(e) Rocks, stones, bricks, dirt, iron items, sheet metal, etc., shall not be placed in the containers.

(f) The city will be responsible for repairing or replacing containers only for normal wear and tear. All other damage to the containers shall be assessed against the property owner and/or tenant of the property. This policy shall also apply to missing containers. If the container is stolen, it must be reported to the police department immediately. Residents should call the administrative office when roll-out containers need repairs.

(g) Residents are required to clean roll-out containers when needed to keep down odor and insects.

(h) The city may refuse to collect the following types of solid wastes and it shall be unlawful for any person to place any of the following in any container or receptacle for collection by the city:

- (1) Hazardous refuse and industrial waste. It shall be the responsibility of the person in possession of the premises to see that it is disposed of properly.
- (2) Oils/lubricants or any other type matter that may damage the container, cause it to leak, or erode wheel parts.
- (3) Contagious disease refuse. The removal of clothing, bedding or other refuse from

homes or the places where highly infectious diseases have occurred shall be performed under the supervision and direction of the county health department.

- (4) Human tissues or wastes resulting from operation, autopsy, or obstetrical procedures or any other material of similar nature.
- (5) Materials of any kind or nature, including ashes, that contain any hot or live coals or fire.
- (6) Dead animals of any sort.
- (7) Hypodermic needles and/or any other sharp object.
- (8) Any other items that are prohibited from disposal in the county landfill.

(i) All refuse placed at curb beside container will not be removed unless resident has the maximum number of containers. If resident doesn't have the maximum number of containers they will be required to get another container.

(j) Violations of this section shall, upon conviction, be punished in accordance with section 1-11. (Ord. of 2-10-92, § 17-8; Ord. of 6-8-92, § 1; Ord. of 4-6-98(2), § 2)

**Sec. 22-39. Storage of refuse.**

Each owner and every occupant or other person in control of any building or land in the city, including vacant property, shall keep the same in a clean and orderly condition and shall deposit refuse for collection in accordance with the provisions of this article and the regulations of the director of public works. Combustible and noncombustible refuse shall be stored in containers complying with this Code. (Ord. of 2-10-92, § 17-9)

**Sec. 22-40. Precollection practices.**

The occupant, whether owner or tenants, of single-family and multifamily residential units requiring a roll-out cart in which to store their refuse shall adhere to the following precollection practices:

- (1) Garbage and general rubbish shall be

stored only in receptacles approved under section 22-38 and such receptacles shall be covered at all times.

- (2) All dangerous trash items such as broken glass, light bulbs, etc., shall be securely wrapped to prevent injury to collection crews.

(Ord. of 2-10-92, § 17-10)

**Sec. 22-41. Container collections, special collections.**

(a) All roll-out garbage containers shall be picked up at the curbside one time per week. Containers shall be placed adjacent to the street for easy access by city sanitation personnel.

(b) Containers shall not be placed in such a manner so as to entirely obstruct a city sidewalk. Partial obstruction may be permitted on the day of garbage collection if the sanitation customer has no other location at the curbside where the container may be placed for city collection other than on the sidewalk.

(c) It shall be the duty of the occupant of any building or residential unit to remove the empty container or containers from the place of deposit at curbside or otherwise to the storage location. Such removal shall be accomplished no later than 7:00 p.m. on the day of the collection.

(d) Exceptions may be made for those physically disabled persons living alone or living only with other physically disabled persons upon receipt by the city of a doctor's certification attesting to the resident's physical inability to place the container at curbside or to remove the container from the curbside after collection. Upon receipt of an appropriate doctor's certification, city sanitation employees shall retrieve the container from a location which is accessible to the employee and thereafter replace the container in the same location where it was initially placed prior to collection.

(e) The city will collect normal household discarded furniture, including sofas, chairs, bedding, etc. Items for collection shall be placed at curbside. This service shall be available to residential premises only.

(f) Appliances will be picked up on a weekly schedule. Request shall be made to the administrative office prior to pick up date.

(g) The city shall only collect leaves from places for collection at the curbside. Leaves shall be

contained in plastic bags and placed for collection immediately adjacent to that portion of the street right-of-way normally used by vehicles. From October 1, through February 1, leaves may also be placed for collection in loose piles exclusively for leaves immediately adjacent to that portion of the street right-of-way normally used by vehicles. At no other time will loose piles of leaves be collected by the city.

(Ord. of 2-10-92, § 17-11; Ord. of 5-11-92, § 1; Ord. of 6-8-92, § 1)

**Sec. 22-42. Large rocks, tree stumps, tree, hedge and shrubbery cuttings, etc.**

Tree, hedge and shrubbery trimmings shall be placed at the curb for collection in accordance with the following guidelines:

- (1) No tree trunks, branches, limbs, etc., larger than six inches in diameter, or longer than five feet in length shall be collected by the city.
- (2) Tree and shrubbery limbs shall have protruding branches or limbs of a size not to be blown about and scattered by the elements; they shall be effectively tied so as to avoid wind driven debris and unsightly litter conditions. Thorny vegetation shall be placed near the curb in small, neat piles.
- (3) Tree limbs shall be separated from smaller shrubbery trimmings to allow for chipping; all brush shall be put in separate piles from other general debris.
- (4) Limbs and cuttings must be placed with butt or cut end toward the street or public alley and must be of the size that can be handled by one man.
- (5) The city shall not collect tree and shrubbery trimmings resulting from contracted services; nor shall the city collect, remove or assist in the removal of tree stumps, small rocks, tree trunks, heavy grass or dirt resulting from the clearing of any property of any kind. It shall be unlawful for any person to place or deposit any such item at curbside at any time.

(Ord. of 2-10-92, § 17-12)

**Sec. 22-43. Solid and liquid wastes the city will not collect.**

(a) The city will not collect the following types of solid and liquid wastes and it shall be illegal for any person to place any of the following in any container or receptacle or along the city right-of-way or curbside for collection:

- (1) Hazardous refuse and industrial wastes.
- (2) Contagious disease refuse.
- (3) Building materials, small amounts not associated with repairs, alterations, construction or demolition may be picked up by permit.
- (4) Tires.
- (5) Any materials, including ashes, containing hot or live coals.
- (6) Large dead animals.
- (7) Barrels and/or drums.
- (8) Motor oils, lubricants, antifreeze, etc.
- (9) Any other items that are prohibited from disposal by the county landfill.

(b) It shall be the responsibility of the property owner to legally and properly dispose of these items.

(Ord. of 2-10-92, § 17-13)

**Secs. 22-44--22-65. Reserved.**

**ARTICLE III.**

**HAZARDOUS MATERIALS AND INDUSTRIAL WASTES\***

\* **Cross References:** Environment, ch. 14; transportation of radioactive substances, § 14-101 et seq.

**Sec. 22-66. Hazardous materials.**

(a) It shall be unlawful to place any hazardous refuse in any receptacle used for collection by the city.

(b) It shall be unlawful to place in any

container, at curbside, or in any catch basin, manhole or drainage ditch or structure any materials considered to be hazardous refuse by the U.S. EPA or any other responsible agency.

(Ord. of 2-10-92, § 17-14)

**Sec. 22-67. Industrial wastes.**

The city shall not collect any type industrial wastes, solid, liquid, hazardous or highly combustible. It shall be unlawful to place industrial waste in any container or receptacle for collection by the city. Industrial waste shall be collected, removed and disposed of by the operator of the factory or industry creating the same.

(Ord. of 2-10-92, § 17-15)

**Sec. 22-68. Penalties.**

Upon a determination by the Public Works Director, or his agent, that a violation has occurred, the property owner and/or the occupant or other person in control of any building or land in the City, including vacant property, shall have five (5) days from the issuance of a notice of violation in which to come into compliance with this chapter.

(1) Upon the expiration of the period of abatement and the violation continues to exist, the City may correct the violation at a cost to the property owner and or the occupant or other person in control of the building or land; and or/

(2) Seek remedies as outlined in Section 1-11 of this Code.

**This ordinance will become effective on the 8<sup>th</sup> day of October, 2001.**

