

CHAPTER 55: SOLID WASTE

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GENERAL PROVISIONS

§ 55.01 DEFINITIONS.

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

"ASHES." Refuse resulting from the burning of wood, coal, coke, and other combustible material.

"AUTOMOTIVE WASTE." Tires, wheels, shock absorbers, body parts, and chassis.

"BUILDING MATERIALS." Any materials such as lumber, brick, plaster, sheetrock, concrete, asphalt, shingles, wire mesh, gutters, or other items accumulated as a result of repairs or additions to existing buildings, construction of new buildings, demolition of existing structures or landscaping.

"COMMERCIAL REFUSE." All refuse (other than ashes, dead animals, leaves, tree trimmings, hazardous refuse, or animal litter), incidental to the ordinary conduct of retail, wholesale, commercial or multi-family uses.

"EXTRA PICKUP." The unscheduled pickup of a customer's solid waste container due to the customer's specific request or a return to the customer's location due to the collection truck not being afforded access to the solid waste container or the customer's failure to comply with the provisions of this chapter.

"GARBAGE." All solid waste capable of being rapidly decomposed by microorganisms, including, but not limited to, animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food, but excluding sewage, human waste, building materials and clean yard trash.

"HAZARDOUS WASTE." Materials such as cleaning fluids, crankcase oil, cutting oils, paints, solvents, explosives, acids, caustic poisons, drugs, chemical pesticides, radioactive products, infectious or infected materials, offal fecal matter or any other material deemed to be "hazardous waste" under state or federal law.

"INDUSTRIAL REFUSE." Waste from factories, processing plants, and other manufacturing enterprises.

"MIXED AND MISCELLANEOUS WASTE." All refuse resulting from the use and maintenance of property, regardless of the nature of the activity thereon, except garbage, furniture, appliances and hazardous waste.

"REFUSE." Solid waste material consisting of garbage and mixed and miscellaneous waste.

"ROLL-OUT CART." A 90-gallon container, having wheels with a hinged lid, purchased from the town for the disposal of refuse as defined herein.

"SOLID WASTE CONTAINER." A metal container of two cubic yards or greater capacity capable of being emptied in the ordinary course of business by town equipment. Solid waste container shall include those containers typically known as "dumpsters".

"WET GARBAGE." Refuse from which liquids have not been properly separated, or drained, or refuse which has not been containerized to prevent leakage.

"YARD TRASH." Leaves, grass trimmings, shrubs or shrub trimmings, tree trimmings and other plant waste other than garbage.

§ 55.02 TOWN MANAGER TO ADMINISTER REGULATIONS.

- (A) The Town Manager, with the approval of the Town Council, shall be responsible for the general supervision of the collection, removal, and disposition of all solid waste.
- (B) The Town Manager, subject to the approval of the Town Council, may prepare and publish rules for the effective administration and enforcement of this chapter. No person, firm, corporation, or association shall fail, neglect, or refuse to comply with the rules and regulations. Failure of the owner to pay refuse collection charges within the time set forth on billing may result in discontinuation of the service without prejudice to the town to recover for the service rendered before discontinuance, and service shall not be restored until the account is paid in full.

Penalty, see § 10.99

§ 55.03 PRIVATE GARBAGE AND TRASH COLLECTION, DISPOSAL PROHIBITED.

The town shall have the exclusive right and privilege of operating garbage and trash collection and disposal service within the town. No individual, corporation, partnership, or any other entity shall be allowed to engage in the business of collecting, hauling, transporting, and disposing of garbage and trash in and from the town except as otherwise permitted by the town. Provided that holders of permits from the North Carolina Alcoholic Beverage Control Commission who are required to participate in recycling programs mandated by G.S § 18B-1006.1 may contract directly with private companies, entities or individuals to provide recycling services in accordance with regulations promulgated by the North Carolina Alcoholic Beverage Control Commission.

Penalty, see § 10.99

§ 55.04 TRANSPORTING GARBAGE INTO TOWN FOR DISPOSAL PROHIBITED.

It shall be unlawful for any person to haul or carry any garbage, rubbish, debris, or other refuse matter into the town from outside the town and leave or deposit it within the town.

Penalty, see § 10.99

§ 55.05 HAULING RUBBISH IN PRIVATE VEHICLES.

It shall be unlawful for any person to haul or have hauled, carried, or transported any rubbish or debris on any street in the town in any car, truck, or vehicle unless the rubbish or debris is secured or covered in such a manner as to prevent its escape from the car, truck, or vehicle.

Penalty, see § 10.99

§ 55.06 DISPOSAL OF RUBBISH IN YARD, ON PREMISES PROHIBITED.

It shall be unlawful for any person to throw, drop, or deposit upon any yard or premises, whether public or private, any garbage, trash, rubbish, or filth of any kind.

Penalty, see § 10.99

§ 55.07 SWEEPING RUBBISH INTO STREETS PROHIBITED.

It shall be unlawful for any person to throw, deposit, sweep, or rake into any street, sidewalk, or gutter any leaves, refuse, ashes, waste, loose paper, or other waste matter.

Penalty, see § 10.99

§ 55.08 DEPOSIT OF GARBAGE IN PUBLIC PLACES AND ON PRIVATE PROPERTY.

No person shall throw, place or deposit any garbage in any street, alley, public place or private property within the town limits, except in garbage cans or garbage vehicles as provided in this chapter.

Penalty, see § 10.99

§ 55.09 GARBAGE TO BE PROMPTLY REMOVED.

No person, firm, corporation, or association maintaining a building, lot, or other structure of whatever type shall allow refuse that is unsightly, decayed or otherwise is a menace to health or cleanliness to remain on any premises longer than is reasonably necessary to remove and deposit the same in a standard receptacle. Neither shall a person, firm, corporation, or association allow the accumulation of trash, weeds, vines, cans, rags, bottles, boxes, barrels, debris, garbage, or any other type of waste material. No material shall be left loose to blow onto public or private property and neither shall any material be buried on any land.

Penalty, see § 10.99

§ 55.10 INTERFERENCE WITH RECEPTACLES SET OUT FOR COLLECTION.

No person shall pick through, handle, or interfere with the contents of any receptacle set out for removal of the contents by the town.

Penalty, see § 10.99

§ 55.11 UNLAWFUL TO DISPLACE CONTAINERS.

It shall be unlawful for any person to damage, displace, or otherwise interfere with garbage containers or their contents except the owner or upon permission or at the request of the owner.

Penalty, see § 10.99

§ 55.12 CHARGES FOR COLLECTION OF GARBAGE.

For the service of collecting and hauling of garbage and rubbish, the owner or occupant of each premises from which garbage and rubbish is collected by the town shall be charged such rates as may be established from time to time by the Town Council. The charge shall be considered a debt owing to the town from the owner or occupant of the premises and shall be billed along with the bill for other utility services.

§ 55.13 WASTE PICKUP SCHEDULE.

The town shall provide solid waste collection and disposal service to each residential, commercial, and industrial property within the town, subject to the availability of funds, personnel, equipment, and materials.

§ 55.14 WET GARBAGE.

All garbage shall have the liquid drained off and shall be containerized in waterproof plastic bags or other waterproof combustible material before it is placed in the garbage receptacle thus preventing smell and the breeding of flies in summer and freezing and adhesion to the can in winter. The owners of operations violating this section shall receive a surcharge in accordance with the adopted fee schedule.

Penalty, see § 10.99

RESIDENTIAL COLLECTION

§ 55.20 RESIDENTIAL ROLL-OUT CARTS.

- (A) The occupant of every building, premise, or place where garbage does or may exist, shall acquire a garbage can from the town, in which he or she shall deposit all garbage existing at the place occupied by him or her.
- (B) The can shall be provided with handles or bales and with a tight-fitting cover made of the same material as the can.
- (C) All garbage cans shall be watertight.
- (D) Garbage cans shall be purchased from the Town at fair market value at time of purchase.
- (E) The owner, tenant, lessee, or occupant shall be responsible for cleaning mobile refuse containers issued to their residence.
- (F) All occupants of single-family and multi-family residences not exceeding four units shall be issued roll-out carts and are required to deposit all garbage and refuse in said roll-out carts. No refuse shall be collected except that which is in the roll-out cart.
- (G) Whenever there are six or more dwelling units in one building, the building shall be required to have a solid waste container (dumpster) and shall comply with normal commercial regulations.

Penalty, see § 10.99

§ 55.21 STORAGE AND COLLECTION PRACTICES.

Refuse may be stored pending collection by the town only in roll-out carts purchased from the town. Refuse may be stored (between scheduled collections only) in any appropriate and convenient fashion. Refuse may not be stored between scheduled pickups on the street side of the building setback line of any lot adjacent to a street or alleyway.

Penalty, see § 10.99

§ 55.22 PROHIBITED WASTE MATERIAL

The following material shall not be placed on or within the mobile refuse containers: rocks, dirt, sod, gasoline, oil, flammable liquids, solvents, hot coals or ashes, blocks, cement, heavy building materials, paint, animal carcasses, hard metal of any type or size and any materials or objects that at the discretion of the Town Manager may in any manner damage the equipment used to collect solid waste. Violations of these prohibitions will be treated as abuse and improper use of the container. In addition, no pet litter, animal waste, or disposable diapers shall be placed within a mobile refuse container for collection unless the material is first thoroughly sealed within a plastic or paper bag.

Penalty, see § 10.99

§ 55.23 BUILDERS AND CONTRACTORS TO REMOVE DEBRIS.

- (A) Building rubbish, debris, and trash shall be collected, removed, and disposed of on a weekly basis by the builder or contractor generating the litter. If the builder or contractor fails to dispose of the rubbish as set forth, the property owner or occupant shall be required to do so at his own expense.
- (B) In those instances where yard and tree work is contracted out, all tree limbs, trimmings, shrubbery, and the like shall be removed daily by the person hired to do the work or by the owner or occupant of the premises where it may be located at his own expense. In the event the occupant or owner is unable to remove the accumulations it shall be collected at

the request of the owner or occupant by town forces at a cost to be determined by the Town Manager.

Penalty, see § 10.99

§ 55.24 PLACEMENT FOR COLLECTION

Roll-out carts shall be placed within three feet of the curbing, or the edge of those streets having no curbing, by 6:00 a.m. on the day of collection and shall be removed promptly after collection is made no later than the evening of the day of collection. No roll-out cart shall be placed in a manner that would obstruct a town sidewalk, passageway, or roadway.

Penalty, see § 10.99

§ 95.25 EXEMPTION.

Those persons not able to move the roll-out cart to the curb as a result of physical disability may apply to the Town Manager, or designee, for physical hardship status. The Town Manager, or designee, is authorized to investigate and authorize exceptions for disabled or handicapped persons.

Penalty, see § 10.99

§ 95.26 IMPROPERLY PLACED OR PREPARED GARBAGE.

All items accumulated by residents for collection by town forces and stored, placed, or bundled contrary to this subchapter, shall not be collected until the situation is corrected. The Town Manager shall be the sole judge when interpreting this subchapter and shall notify the resident of noncompliance explaining why the rubbish was not picked up and the steps necessary in order that it may be collected on the next scheduled collection day.

Penalty, see § 10.99

COMMERCIAL AND INDUSTRIAL COLLECTION

§ 55.30 COMMERCIAL SOLID WASTE CONTAINERS.

- (A) All commercial establishments shall have a means of containing their solid waste. The containers shall be a solid waste container (dumpster), purchased from the Town, of acceptable size and shall be serviced with the frequency necessary so as not to exceed the capacity of the container, create an unsightly appearance, or become a health hazard. In unusual cases when the Town Manager determines that roll-out carts may better serve the needs of the commercial establishment and will not hamper the efficiency of solid waste collection, a maximum of four regulation-size roll-out carts may be allowed. However, no roll-out cart shall be serviced more than one time weekly.
- (B) Dumpsters, or roll carts if deemed permissible by the Town Manager, shall be purchased from the Town at fair market value at time of purchase.

Penalty, see § 10.99

§ 55.31 LOCATION.

- (A) The location of solid waste containers shall be chosen with regard to the best interest of public safety, nuisance abatement, and community appearance. Containers other than mobile refuse containers used in the collection of solid waste shall be placed on a concrete platform.

- (B) Access to solid waste containers shall be free and clear. If access by town vehicles to such solid waste container is not afforded, then no pickup will be made on that collection date, or the owner shall be charged for an extra pickup.
- (C) Containers shall be located in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.

Penalty, see § 10.99

§ 55.32 CARE AND MAINTENANCE OF CONTAINERS .

- (A) Solid waste containers are required for the health, safety, convenience, general welfare, and appearance of the community and the establishment. The owner/occupant of an establishment is responsible for the care and maintenance of all solid waste containers for that establishment. Containers which are damaged, are in bad repair, or need painting, shall be replaced or repaired as needed. The Town Manager may determine when solid waste containers are deemed to need replacing. It is the responsibility of the occupant/owner of an establishment to replace or repair containers as needed or as directed by the Town Manager.
- (B) The owner/occupant of an establishment shall be responsible for the appearance around their container and shall exercise reasonable diligence at all times to keep the area clean of waste paper, wrapping paper, cartons, package containers, and other used or waste materials thrown or left on the premises by customers or others, and to take reasonable measures to prevent the same from drifting or blowing to adjoining premises. Containers shall be kept clean and sanitary at all times and the lids shall be kept closed at all times except when depositing waste therein or removing the contents thereof.

Penalty, see § 10.99

§ 55.33 PROHIBITED WASTE MATERIALS.

No person shall place any of the following items in containers:

- (A) Construction and demolition wastes.
- (B) Hazardous, radioactive, or medical wastes.
- (C) Burning or smoldering materials or any other materials which could create a fire hazard.
- (D) Rocks, dirt, sod, paint, gasoline, hot coals or ashes, blocks, and cement.
- (E) Oil, flammable materials, building materials, limbs, animal carcasses, hard metal of any type or size, and any materials or objects that at the discretion of the Town Manager may in any manner damage the equipment used to collect solid waste.
- (F) Any materials that have been banned either by the town, county, or the state from the solid waste stream, or any materials for which recycling, reduction, or reuse alternatives are reasonably available and effective.

Penalty, see § 10.99

Statutory reference:

Authority for a municipality to regulate garbage and refuse collection, see G.S. § 160A-185

Repeals Ordinances:

§ 92.04 GARBAGE CANS TO BE PROVIDED.

~~—The occupant of every building shall provide and keep in some convenient place metal-covered or plastic-covered receptacles, (not larger than 30-gallon capacity) provided with handles, and deposit in same all garbage liable to decomposition. A separate can of suitable material shall be kept for other refuse matter. All garbage shall be removed from the premises at least once weekly.~~

~~(Prior Code, § 7.1.04) Penalty, see § 10.99~~

~~§ 92.05 OFFENSIVE MATTER.~~

~~—It shall be unlawful for any person, firm or corporation to keep or maintain on his, her or its premises any manure, or fish scrap, of a kind or nature as to be a menace to the public health, or to fill any land with, or dump upon any vacant lot, garbage, dead animals, decaying vegetable matter or any offensive material, nor shall any of the aforementioned objectionable materials be buried within the town.~~

~~(Prior Code, § 7.1.05) Penalty, see § 10.99~~

~~(Effective 7/5/2022)~~