ORDINANCE NO. 2019-03

AN ORDINANCE AMENDING CHAPTER 51: SOLID WASTE, TO ADD SECTIONS TO STRENGTHEN AND CLARIFY THE SOLID WASTE POLICY, TO ENABLE PROPER ENFORCEMENT OF THE POLICY AS WELL AS TO SET FINES FOR VIOLATIONS TO THE POLICY.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PINEVILLE, NORTH CAROLINA:

SECTION 1. that Charter 51, Solid Waste, is amended to add the following sections:

CHAPTER 51: SOLID WASTE

Section

51.01 Collection generally
51.02 Duty of business owners, occupants
51.03 Maintenance of property
51.04 Enforcement
51.05 Damaging, displacing, interfering with containers prohibited
51.06 Accumulation of garbage and refuse prohibited
51.07 Place and collection of yard waste in quantities too great to be placed in a container
51.08 Containers required; specifications
51.09 Placement of Receptacles
51.10 Location of containers for collection
51.11 Storm drain obstruction
51.12 Littering
51.13 Illegal dumping
51.14 Outside trash
51.15 Penalty
51.16 Method and Requirement for Service

Statutory references:

Fees for solid waste disposal, see G.S. § *160A-314.1*
Regulation of garbage, trash and refuse, see G.S. § *160A-303.1*

§ 51.01 COLLECTION GENERALLY.

Collection of solid waste shall be in accordance with the current contract which the town has negotiated and is available and on file in the Town Clerk's office for inspection.

(1995 Code, § 36-1)

§ 51.02 DUTY OF BUSINESS OWNERS, OCCUPANTS.

(A) *Generally.* The owner or occupant of any store or other place of business situated within the town shall at all times keep his or her premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials thrown or left on the premises by his, her or its customers, and take reasonable measures to prevent the same from drifting or blowing to adjoining premises.

(B) *Receptacles.* Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of the business where the above referred-to articles of waste may be disposed of.
(1995 Code, § 36-2)

§ 51.03 MAINTENANCE OF PROPERTY.

(A) All contractors, subcontractors, utility companies or other individuals who are in the course of building, remodeling, repairing, maintaining or demolishing any structure, public roadway, easement or equipment shall be responsible for the disposal of their building material scraps, garbage, refuse, solid waste and tree trimmings.

(B) If the provisions of this section are not complied with, the Town ~~Clerk~~ *Manager or his/her designee* shall serve written notice upon the violator to comply with the provisions of this chapter.

(C) If the violator fails, neglects or refuses to dispose of the offending materials, the Town ~~Clerk~~ *Manager or his/her designee* shall cause the materials to be disposed of and bill the violator for the actual cost of removal, plus *5* % for additional costs in connection therewith.
(1995 Code, § 36-3)

§ Sec. 51.04 Enforcement.

(A) In addition to any remedies provided by general law to the town to enforce this chapter, a violation of any section under this chapter shall be punishable in accordance with section 51.15 **Penalty**
(B) The Town Manager will have the discretion to refuse service to individuals or properties who repeatedly violate this ordinance.

§ Sec. 51.05 Damaging, displacing, interfering with containers prohibited.

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.

§ Sec. 51.06 Accumulation of garbage and refuse prohibited.

All garbage and refuse shall be collected and placed in containers as required by this chapter, and it shall be unlawful for any person to permit garbage or refuse to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit the garbage or refuse in approved containers as required in this chapter.

§ Sec. 51.07 Placement and collection of yard waste in quantities too great to be placed in a container.

(A) These materials in quantities too great to be placed in containers shall be placed in piles by the occupant for collection at the front of the premises in the grass strip between the street and the sidewalk where such strip is available, or they shall be placed off that portion of the street right-of-way normally used by vehicles.

(B) Tree limbs and cuttings of shrubbery of more than four cubic yards or one pickup load must be removed by the property owner or occupant. Tree limbs and shrubs shall not be longer than four feet in length nor more than six inches in diameter. Leaves and grass clippings should be piled separate from limbs and other larger materials. Such materials listed in this section shall be collected and removed by the town or its contractor only where an individual person in the town is doing improvement work without employing an independent builder, contractor or laborer to properties located in the town.

(C) When piles of tree limbs or shrubbery in excess of one pickup load or in excess the allowable length and diameter are not removed by the property owner or occupant, removal may be accomplished by the town as specified section 51.03 (C).

§ Sec. 51.08 Containers required; specifications.

(A) Every residential unit, unless specified otherwise in this chapter, shall be provided a rollout cart. Such rollout cart is not to be removed from the premises to which it is assigned. All rollout carts shall be subject to the approval of the director of public works or his designee.

(B) Every person shall dispose of garbage in a clean and sanitary manner by placing it in bags before putting it in the rollout container. Offal and fecal material must also be placed in a plastic bag before being placed in the rollout cart.

(C) It shall be the responsibility of the householder or commercial establishment to maintain proper care of the rollout cart. If the rollout cart is stolen or damaged from improper use or neglect, it shall be the responsibility of the householder or commercial establishment to replace the cart. If the cart is damaged by collection workers, the collector will repair or replace the cart. The collector shall have the authority to discontinue service when a cart becomes unserviceable and advise the householder or commercial establishment of such discontinuance.

(D) The following types of material may cause damage to the rollout cart and shall not be deposited in the container: large motor parts, batteries, concrete blocks, tree stumps, ashes, charcoal, paints, solvents or other flammable materials.

(E) No person shall interfere or otherwise deter the normal refuse collection process by tampering with refuse containers or their contents unless by permission of the sanitation

superintendent or his representative, nor shall any person place any hazardous refuse in any collection receptacle.

(F) The town will provide one recycling container per customer.

§ Sec. 51.09 Placement of Receptacles.

(D) Receptacles are not permitted to be stored in the front yard; the front yard is defined as the area measured from the primary building façade and/or formal front door extended both outward to the side property boundaries and forward to a street right-of-way.
(E) Receptacles shall not be placed on any alleyway, sidewalk, street or similar so as to be a hazard, block visibility, or accessibility of pedestrians or motorists.

§ Sec. 51.10 Location of containers for collection.

(A) All refuse shall be placed at curbside for collection. Curbside refers to that portion of right-of-way adjacent to paved or traveled town roadways (including alleys). Containers shall be placed as close to the roadway as practicable without interfering with or endangering the movement of vehicles or pedestrians. When construction work is being performed in the right-of-way, containers shall be placed as close as practicable to an access point for the collection vehicle. The contractor may decline to collect any container not so placed.

(B) Rollout carts should not be placed at the curb before 12:00am of the day of the scheduled pick-up date, and must be removed from the curb by 11:59pm of the day of the scheduled pick-up date.

§ Sec. 51.11 Storm drain obstruction.

It shall be unlawful for any person to place any refuse, trash, refuse receptacles or containers on, upon or over any storm drain or so close to a storm drain as to be drawn by the elements into the storm drain.

§ Sec. 51.12 Littering.

(A) It shall be unlawful for any person to scatter, cast, throw, place, sweep or deposit anywhere within the town any litter in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, body of water, sewer, parkway, lot, public property or private property. Any unauthorized accumulation of litter is declared to be a public nuisance and is prohibited.

(B) It shall be unlawful for a responsible person to operate a vehicle transporting loose materials within the town without a suitable cover.

§ Sec. 51.13 Illegal dumping.

It shall be unlawful to dispose or discard any litter on private property owned by someone else without their permission or on public property without specific approval from the town.

§ Sec. 51.14 Outside trash

It shall be unlawful for any person, firm, corporation, or similar to bring trash, refuse, rubbish, or other forms of waste generated outside of the Town into the Town for collection by the Town.

§ Sec. 51.15 Penalty

(A) Violations of this section or any trash policy shall be given written notice of five days to correct violations of the above sections. Any person or property that neglects or refuses to remedy the condition after the five (5) day notice shall be fined $50; after ten (10) days following the original notice of violation, if the violation has not been corrected, there shall be a fine of $100 for every violation thereafter per calendar year. The Town may also take any necessary action to remedy the violation such as confiscating trash receptacles.

(B) If the fine is not paid within thirty (30) days of the original fine, the penalty may be collected in a civil action in the nature of debt, including a lien placed on the property, collected as unpaid taxes in accordance with the North Carolina Debt Setoff program, NCGS or similar as permitted by state law.

§ Sec. 51.16 Method and Requirement for Service

(A) The Town Manager or his designee shall be authorized to institute trash policies, guidelines, methods. And similar regulation(s) with respect to refuse collection such as agreed upon with any trash provider and/or trash collection agreement.

Trash collection shall adhere to adopted trash policy as set by the Town Manager.

SECTION 2. These sections of the Ordinance shall become effective on July 1, 2019, 2019.

ADOPTED this 9th day of April, 2019.

Mayor, Jack Edwards

ATTEST:

Town Clerk, Barbara Monticello