

## CHAPTER 11. SOLID WASTE\*

### ARTICLE I. IN GENERAL

#### Sec. 11-101. Definitions.

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

*Ashes* means the residue from the burning of wood, coal, coke or other combustible materials.

*Building materials* shall mean 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* means any building or structure in or from which a business, trade or commerce is conducted.

*Director* means the director of public works of the town.

*Garbage* means 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* means any materials such as poison, acids, caustics, reactive chemicals, infected material, radioactive or explosives.

*Multiple residential unit* means any duplex apartment or group of apartments under a single roof and used for dwelling places for more than one family.

*Refuse* means 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.

*Solid waste* means 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

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\* **Editor's note**-Ordinance No. 16-92, adopted Aug. 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 references**-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.

**State law references**-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.

suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

*Rubbish* means 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* means any dwelling place occupied by one family.

*Small dead animals* means cats, dogs and small household pets of seventy (70) pounds or less in weight.

*Required container* means a covered container not to exceed ninety six (96) gallons designed for use by residential units for storage of garbage and other miscellaneous refuse.  
(Ord. No. 16-92, 8-3-92)

**Sec. 11-102. Town to collect garbage; exceptions.**

(a) Town to collect garbage. Except as provided by subsection (b), 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 chapter 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 chapter and with any other governing law or ordinances.

(2) This chapter 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 chapter from collecting, conveying and disposing of refuse provided the persons comply with the provisions of this chapter and with any other governing law or ordinances.

(3) This chapter 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 chapter and with any other governing law or ordinances.

(Ord. No. 16-92, 8-3-92)

**Sec. 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 section 11-102(b).

**Sec. 11-104. Preparation and collection of garbage, rubbish, and trimmings.**

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

(1) *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 chapter or which become rusted or broken and therefore are unable to contain garbage and refuse in a satisfactory manner shall not be used.

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

(3) *Trimmings.* Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed eight (8) feet and a diameter of no more than eight (8) 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 (3) 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 city so as to obstruct free passage of persons and vehicles thereon.

(4) Tree limbs, brush, shrubbery, cuttings, leaves, and other yard refuse will be collected without charge so long as the amount does not exceed eighteen (18) cubic yards in a one week (7 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 ordinance would prohibit any citizens/property owner from hiring contractors for removal of yard debris/refuse at their own expense.

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

(Ord. No. 30-2014, 8-4-14)

(5) *Special bulk collections 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 council. Alternately, property owners may rent a dumpster from the town, when available, to dispose of special bulk collections.

(6) *Large rocks, tree trunks, tree stumps, tree limbs, construction and demolition debris.* No large rocks, tree trunks, tree limbs of more than eight (8) feet in length or any other heavy objects shall be collected by the town. No waste construction and demolition debris

or other building materials shall be collected from houses or other structures under construction or recently completed. Notwithstanding the foregoing sentence, the town will collect construction and demolition debris if (i) the debris was generated by a home owner working on his or her own home and (ii) if the debris fits within the size limitations set forth in this subsection and subsection 11-104(4).

(7) *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.

(8) *Limitations on town pickup.* Any person or business requiring regular pickup of more than three (3) fifty-five (55) gallon garbage cans of solid waste, or an amount of equivalent thereto, must contract with a private solid waste collector for pickup.

(9) *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. No. 16-92, 8-3-92; Ord. No. 33-2003, 11-3-03; Ord. No. 4-2006, 2-6-06)

#### **Sec. 11-105. Refuse containers.**

The occupant of every building or premises where garbage and refuse does or may exist shall provide containers made of substantial galvanized iron, plastic, rubber or other non-rusting material in which shall be deposited all garbage and refuse existing at such building or premises. Each container shall be provided with handles or bails and with a tight fitting cover made of the same material as the container. All containers shall be watertight and they shall be of a size that can be conveniently handled by the collectors, and no container shall be more than ninety six (96) gallons in capacity. All containers shall be kept in a reasonably clean manner by the use of lye or other effective cleaner.

(b) The level of garbage service provided by the city shall not exceed three (3) fifty-five (55) gallon cans per residential or commercial establishment picked up one (1) time per week. Any residential or commercial establishment that exceeds this level of service shall use commercial garbage collection for the amount in excess of three (3) fifty-five (55) gallon cans once a week. Industrial garbage or trash will not be collected by the city, and private collectors must be used. (Ord. No. 16-92, 8-3-92; Ord. No. 24-98, 7-20-98; Ord. No. 32-98, 9-21-98)

#### **Sec. 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 section 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. No. 16-92, 8-3-92)

**Sec. 11-107. Points of collection.**

(a) Where the container required by section 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 pick-up 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 (3) fifty-five (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. No. 16-92, 8-3-92)

**Sec. 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 (10) 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.

(Ord. No. 16-92, 8-3-92)

(i) 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-309.10(f):

- (1) Used oil;
- (2) Yard trash, except in landfills approved for the disposal of yard trash under rules adopted by the North Carolina 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;
- (3) White goods;
- (4) Antifreeze (ethylene glycol);
- (5) Aluminum cans;
- (6) 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;
- (7) Lead-acid batteries;
- (8) Beverage containers that are required to be recycled under G.S. § 18B-1006.1;
- (9) Motor vehicle oil filters;
- (10) 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;

- (11) Wooden pallets, except that wooden pallets may be disposed of in a landfill that is permitted to only accept construction and demolition debris;
- (12) Oyster shells;
- (13) Discarded computer equipment, as defined in G.S. § 130A-309.91;
- (14) Discarded televisions, as defined in G.S. § 130A-309.91;
- (15) Steel or metal alloys; or
- (16) Any other items banned at the Catawba County Landfill.

From time to time, the town may prohibit other items for solid waste disposal. While every effort will be made to keep this ordinance 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.

**State law reference-** prohibited items, G.S. § 130A-309-10.

**Sec. 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 subsection 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.

**Sec. 11-110. Refuse property of town.**

Ownership of refuse material set out for collection by the town shall be vested in the town. (Ord. No. 16-92, 8-3-92)