



CHAPTER 24: SOLID WASTE

STATE OF NORTH CAROLINA)
TOWN OF WEDDINGTON)

ORDINANCE # 2022-04

Solid Waste

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GENERAL PROVISIONS

§ 24.0 PURPOSE

This article is determined and declared to be a health, sanitary, and safety measure necessary for the promotion,

protection, and preservation of the health, safety, and general welfare of the people of the Town. Whenever this article conflicts with any other portion of the Town code, this article shall prevail with respect to any matters relating to solid waste services.

§ 24.1 DEFINITIONS

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

Animal and Agricultural Wastes. 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. 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 materials. Ashes shall contain no live embers or other burning materials.

Building Rubbish. Any materials or other substances accumulated as a result of repairs or additions to existing building, construction of new buildings, demolition of existing buildings, or moving of buildings, including but not limited to bricks, stone, concrete, wood, lumber, siding, shingles of any type, and the like. Also referred to as construction material.

Commercial Parcel (Property). Commercial parcels are where the primary use of the parcel is non-residential, such as a retail establishment, offices, flex-space, warehousing and/or restaurants. Churches shall also be classified as Commercial, as are multi-family parcels containing 6 or more units.

Contracted Services (Yard Waste). Any tree or shrubbery trimming resulting from work performed by landscaping or tree service contractors or other commercial workers, including, but not limited to land clearing work. This shall also apply to any job performed by anyone, including friends, family or neighbors for pay and also including the owner or resident of the property, that is of such scale that heavy equipment as used by contractors is needed to complete the work.

Garbage. The byproduct 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 Waste. Any waste accumulation meeting the definitions as spelled out in 40 CFR 261.3.

Household Hazardous Waste. (HHW) Hazardous refuse generated in normal residential activities, and may consist of items such as paints and thinners, pesticides, herbicides, cleaners, batteries, electronic waste, etc.

Household Trash. Any waste accumulation of paper, sweepings, dust, rags, bottles, cans, or other matter of any kinds, other than garbage, which is usually attendant to housekeeping

Household or Residential Bulk Items. Items generated from single-family residential units such as home furnishings, mattresses, etc., also see White Goods.

Industrial Waste. All waste, including solids, semi- solids, sludge and liquids, created by factories, processing plants, or manufacturing enterprises.

Junk. 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. An illegally discarded man-made material including but not limited to, building materials, business trash,

garbage, household trash, industrial waste, refuse, and other solid wastes.

Multi-Residential Unit. Any duplex, apartment, group of apartments or condominiums, or housing units designed for or occupied by more than one family, not to exceed 5 units or a single site. Complexes containing six (6) or more units must privately contract for dumpster service.

Normal Use (Roll out Container), Residential. Placement of any variety of both combustible and noncombustible solid waste materials from households, including such items as plastic, wastepaper, rags, sweepings, and similar

Parcel. A separate, distinct section of land with its own Tax ID number in the county tax system.

Private Property. 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, and bodies of water, including sidewalks, grass strips, one-half of alleys, curbs, or rights-of-way up to the edge of the pavement of any public street

Recyclable Material. Newspapers, magazines, steel and aluminum cans and plastic drink bottles or other such material as designated by the Administrator.

Refuse. Solid waste accumulations consisting of garbage, household trash, yard trash, or business trash.

Roll Cart. A plastic, mobile, top-loading, residential refuse container of 96-gallon capacity compatible to the Town's collection equipment. Sometimes called a rollout.

Single Residential Unit. Any dwelling place designed for or occupied by one family.

Town Administrator. The Town Administrator for the Town of Weddington or her designee.

White Goods. Residential appliances such as washers, dryers, stoves, window A/C units, and similar items.

Yard Waste. Accumulation of lawn, grass, or shrubbery cuttings or clippings, bushes, limbs, and dry leaf rakings free of dirt, rocks, large branches, and bulky or non-combustible material.

§ 24.2 TOWN ADMINISTRATOR

The Town Administrator shall be responsible for the implementation of this section. Any decision of the Town Administrator shall be final.

§ 24.3 DISPOSAL OF REFUSE IN TOWN LIMITS BY NONRESIDENT PROHIBITED.

- A. It shall be unlawful for any person, firm, or a corporation not a resident of the Town to bring trash, refuse, rubbish, or other forms of waste into the Town and to discard it or to deposit it for collection by the Town. An example of a violation of this section is a person who owns or is employed by a business within the Town limits, but who lives outside the Town limits, bringing his household garbage into the Town and depositing it or otherwise leaving it for collection by the Town.
- B. Ownership of trash, refuse, rubbish, or other forms of waste, including designated recyclable material, set out or placed in receptacles for collection by the Town shall be vested in the Town.

§ 24.4 PROHIBITED DISPOSAL OF WASTES.

A. Prohibited disposal of wastes generally.

- 1. It shall be unlawful for any person to dump, throw, or otherwise deposit upon any Town street or sidewalk, or in any public place not designated for such purposes, any scrap paper, bottles, cans, glass, rags, 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. G.S. § 14-399.

2. 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 drainage way in any public street or other public way, or in any creek, stream, or other natural drainage course within the Town limits by depositing any trash, refuse, tree, or shrubbery trimmings, building material scraps, or other matter therein.

3. It shall be unlawful for any person to dump, deposit, or cause any gasoline, fuel oil, 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 drainage way in any public street or other public way or in any creek, stream, or other natural drainage course within the Town limits (See Unified Development Ordinance, Appendix 8-Stormwater). It shall also be illegal to place any type of lubricating oil, or other above-named materials in any container provided by the Town for garbage pickup. All lubricating oils should be taken to recycling centers.

4. No person shall throw, drop, or deposit, or cause to be thrown, dropped, or deposited on any land in the Town (vacant or occupied), including specifically streets, alleys, sidewalks, or other public and semi-public areas, or in any waters under jurisdiction of the Town, 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 materials, 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 section, such persons must daily clean up and remove such rubbish or material in a manner satisfactory to the Town Administrator or designee, failing which, the Town may clean up and remove such rubbish and material, and the Town may collect the cost of such cleaning up and removal from such persons.

- B. Waste matter subject to scattering.** 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.

§ 24.5 TRANSPORTATION OF REFUSE.

No garbage, kitchen waste, or refuse shall be transported through the Town streets except in watertight metal containers with tight fitting covers. All other loads must be covered.

§ 24.6 DEPOSITING DEBRIS IN CATCH BASINS, MANHOLES, OR DRAINS.

No person shall throw, drop, or deposit grass clippings, leaves, shrubs, or any other debris into any catch basin, manhole, or drainage ditch or structure in the Town. (See Unified Development Ordinance, Appendix 8-Stormwater)

REFUSE COLLECTION SERVICE

§ 24.10 *Reserved*

§ 24A.11 COLLECTION PRACTICES.

- A. Except as otherwise provided in this sub chapter and except in the case of emergency arising from an act of God or other circumstances over which the Town has no control, the Town or its contractor will attempt to collect, remove, and dispose of certain refuse in residential sections of the Town once per week. In the event of inclement weather events, such as ice or snow, schedules may be adjusted as conditions and safety factors warrant. Schedule updates will be posted on the Town Web Site.

- B. 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. Industrial Waste will not be collected by the Town.

- C. Building rubbish, including items from large scale inside work, carpet, padding, and the like, 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. Building rubbish shall not be collected by the Town.
- D. 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, carport, or garage, encountering a dog, or otherwise being denied reasonable access by parked vehicles, yard tools, equipment, or similar object. Generally, roll out carts and recycling containers must be placed at curbside for collection.
- E. Once a collection route is established, any changes shall be advertised on the Town Website at least 45 days before such changes become effective; provided, that such notice may be given by other means and within a lesser period of time in cases of emergency. At least one notice shall be mailed directly to each resident that is to be affected by the change.

§ 24.12 CONTAINERS FOR REFUSE; REGULATIONS

- A. Every person owning or occupying a single and/or multi-family residential unit shall store all garbage and refuse in containers, as specified herein, so as to eliminate wind driven debris and unsightly litter in and about their premises.
- B. Each single-family unit shall use one 96-gallon rollout container, so long as the containers are provided by the Town or its contractors. Additional containers, if needed, may be obtained, when supplies permit, by the payment of the monthly contract fee for residential service times the number of extra containers. Additional containers shall be limited to two. Each container will be and remain the property of the Town or its contractor. Except by the Town or its contractor, the container shall not be moved from the residence where assigned.
- C. Containers shall be used for the purpose of holding regular household type refuse. No items such as sticks, yard clippings, leaves, and the like may be placed in rollout containers used for garbage.
- D. Stones, bricks, iron items, and the like shall not be placed in the containers.
- E. The Town will be responsible for repairing or replacing containers only for normal wear and tear. All other damage to the containers may be assessed against the property owner and/or tenant of the property. This policy shall also apply to missing containers. Residents should call the Town's contractor when rollout carts need repairs.
- F. Residents are required to clean rollout containers when needed to keep down odor and insects.
- G. All solid waste, yard waste, recycling and bulk waste, which is properly placed at curbside for collection, is deemed to be abandoned and becomes the property of the Town or its agents.
- H. The Town 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 Town:
 - 1. Hazardous waste, refuse and industrial waste. All such refuse shall be stored in suitable leak proof containers that will ensure that no such refuse or wastes leak or spill onto any public or private property. It shall be the responsibility of the person in possession of the premises to see that it is disposed of properly.
 - 2. Animal and agricultural Waste.

3. Oils, lubricants or any other type matter that may damage the container, cause it to leak, erode wheel parts, or violate any state or federal disposal laws.
4. Contagious disease refuses. The removal of clothing, bedding, or other refuse from homes or the places where highly infectious diseases have occurred shall be performed under the supervisor and direction of the County Health Department.
5. Materials defined as biohazards.
6. Materials of any kind or nature, including ashes, that contains any hot or live coals or fire.
7. Raw or uncooked seafood or meats unless tightly wrapped in plastic bags.
8. Hypodermic needles and/or any other sharp object.
9. Paints, thinners and other such HHW items. Latex paint may be disposed of but must be dried first and not be in a liquid state.
10. Computer parts, TVs and other electronic equipment.
11. Building rubbish
12. Tires, automobile wheels and other auto parts
13. Any other items that are banned from disposal in the Landfill, or in the opinion of Town should not be collected.

After warning, violations of this section may result in penalties as spelled out in this chapter.

§ 24.13 STORAGE OF REFUSE.

- A. Each owner and every occupant or other person in control of any building or land in the Town, 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 sub chapter and the regulations of the Town. All refuse shall be stored in containers complying with this code.
- B. Persons occupying business buildings shall store cardboard boxes inside the building unless stored in automatic containers.

§ 24A.14 PRE-COLLECTION PRACTICES.

Occupants, whether owners or tenants, of single and multi-family residential units requiring a rollout cart in which to store their refuse shall adhere to the following collection practices:

- A. Garbage and general rubbish shall be stored only in receptacles approved by 24.12 of this chapter and such receptacles shall be covered at all times.
- B. All dangerous trash items such as broken glass, light bulbs, and the like, shall be securely wrapped to prevent injury to collection crews. Boxes should be broken down prior to collection.
- C. All garbage and refuse shall have liquid drained before it is placed in the container for collection.
- D. All garbage shall be placed in plastic bags and tied securely.

§ 24.15 POINT OF COLLECTION.

- A. Time of Collection. Garbage and recycling containers when set out for collection shall be placed at a location designated by the Town or its contractor more than 24 hours before the time set for collection and no later than 7:00 a.m. the day of collection and the containers shall be returned to the principal structure prior to 9:00 p.m. on the date of collection.
- B. Carts shall be placed along the curb or edge of pavement three feet apart and at least three feet from all structures.
- C. Disabled Provisions. In the event a resident is physically unable to place the cart at the curbside. The resident may request and receive backyard pick-up for 30 days without getting a doctor's certification. At the end of 30 days, if they want to continue with backyard pick-up, they must submit a doctor's certification.
- D. Street Litter Containers. Businesses shall not use street litter containers for the disposal of business-generated trash.
- E. Household Bulk Items. A list of items eligible for pickup and the cost for that pickup is listed on the Town's website.
- F. Appliances (White Goods). A list of items eligible for pickup and the cost for that pick-up is listed on the Town's website.

§24.17 YARD WASTE COLLECTION PRACTICES.

Yard waste services may be available to single-family residences by request to the Town's contractor and for an additional fee. Services are not provided to commercial locations. Town house type developments with master landscape contracts shall be responsible for disposal of their yard waste generated either by contractors or individual residences. Tree, hedge, and shrubbery trimmings shall be placed at the curb for collection in accordance with the following guidelines:

- A. Limbs and brush smaller than 12 inches in diameter, must be cut not to exceed five feet in length.
- B. Tree and shrubbery limbs shall have protruding branches or limbs trimmed off. Small limbs of a size that might be blown about and scattered by the elements, shall be effectively tied so as to avoid wind driven debris and unsightly litter condition. Thorny vegetation shall be placed near the curb in small, neat piles.
- C. Collection of tree and shrubbery trimmings shall be limited to amount one-man can collect per week per residence in 20 minutes. Additional service may be approved by the Administrator upon request, for unusual circumstances.
- D. Tree limbs should be separated from smaller shrubbery trimmings and all yard waste shall be put in piles separate from other general debris.
- E. Limbs and cuttings must be placed with butt or cut ends toward the street or public alley and must be of the size that can be handled by one person.
- F. The Town shall not collect, remove, or assist in the removal of tree stumps, small logs, 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 curb side at any time.
- G. Leaves and grass clippings must be placed in clear plastic bags or open receptacles. Bags that are not clear must be left open for inspection by the driver.
- H. Yard waste shall not be mixed with any other garbage or trash. Yard waste found to be mixed will not be collected until it has been separated and after warning, additional violations may result on penalties as spelled out in this Chapter.

- I. In the event of a declared disaster these limitations may be temporary suspended at the direction of the Town.

§ 24.19 RECYCLING SERVICE.

The Town, at its discretion, may provide residential recycling service. Items subject to recycling shall be placed in bins as provided by the Town or its contractor and placed at curbside on designated collection days. A list of items available for recycling will be maintained on the Town's website and may be changed from time to time with notice in the Town Newsletter and Website.

- A. Each single-family unit shall use one 96-gallon rollout container provided by the Town or its contractors. Additional containers, if needed, may be obtained, when supplies permit, by the payment of a one-time fee calculated as the product of the monthly charge per household per month, times twelve, times the number of extra containers. Additional containers shall be limited to two. Each container will be assigned by the Town and will remain the property of the Town or its contractor. Except by the Town or its contractor, the container shall not be moved from the residence where assigned.
- B. Glass recycling. The Town may provide glass recycling services. If such service is provided, each single-family unit shall be provided with a 42-gallon rollout container. Each container will be assigned by the Town and will remain the property of the Town or its contractor. Except by the Town or its contractor the container shall not be moved from the residence where assigned.
- C. Recycling shall not be mixed with any other garbage, trash or yard waste. recycling found to be mixed will not be collected until it has been separated and after warning, additional violations may result on penalties as spelled out in this Chapter.

§ 24.20 Reserved.

§ 24.21 COLLECTION OF DISPOSAL FEES.

The Town Council may establish and revise charges and other fees as necessary, to cover the costs of sanitation and disposal services within the Town, including recycling, bulk items, household hazardous waste, white goods and yard waste services.

HAZARDOUS AND INDUSTRIAL WASTES

§ 24.26 HAZARDOUS MATERIALS.

It shall be unlawful to place any hazardous refuse, as defined in 24A.01 of this chapter, in any receptacle used for collection by the Town. 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 by any other responsible agency. The Town, at its discretion, may conduct household hazardous waste collections annually.

§ 24.27 INDUSTRIAL WASTES.

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

PENALTIES

§ 24.30 PENALTY

- A. A civil penalty of \$25. for the first violation shall be assessed. A second violation of this Chapter shall result in a \$50 civil penalty, and a third and all subsequent violations shall result in a civil penalty of \$100 per

violation.

- B. The Town Administrator or his designee, shall be authorized to issue to persons violating the terms of this ordinance a civil citation in the amounts shown in Section (A) above. Any person to whom a citation has been issued may appeal to the Town Council, whose decision shall be final. Civil penalties shall be paid within ten business days of the issuance, unless appealed. Failure to appeal in ten business days shall result in an additional late penalty of \$25. Penalties shall be collected in the form of a debt.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF WEDDINGTON on this 14th day of November 2022.

TOWN OF WEDDINGTON

Attest:



Karen Dewey, Town Administrator/Clerk



D. Craig Horn, Mayor

Approved as to Form



Karen Wolter, Town Attorney

