

Chapter 11

**GARBAGE AND REFUSE\***

**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 nonputrescible solid 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,

**\*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. §§ 160A-192, 160A-303.1.

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

*Rubbish* means nonputrescible 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 thirty-two (32) 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 divisions (B), all refuse accumulated in the town shall be collected, conveyed and disposed of by the town or its authorized contractor. 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 the refuse, 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 or franchise expressly granted by the governing authorities of the country 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 article 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. 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) *Bulk trash, tree limbs, shrubbery, cuttings, leaves, and other refuse* will be collected without charge; however, limbs, tree trunks, trees, and brush cuttings will only be collected without charge if they are of such size as can be readily chipped in amounts not to exceed thirty (30) minutes for any one (1) residence or business. No stumps will be picked up.
- (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 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.
- (6) *Large rocks, tree trunks, tree stumps, tree limbs.* 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 building materials shall be collected from houses or other structures under construction or recently completed.
- (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.

(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.**

(a) 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 thirty-two (32) gallons in capacity nor to exceed thirty (30) inches in height. 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) thirty-two-gallon cans per residential or commercial establishment picked up two (2) times 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) thirty-two-gallon cans twice 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 refuse in any stream or other body of water.

(c) No person shall throw, place, sweep or deposit anywhere within the town any refuse 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 7:00 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) thirty-two 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 refuse problems.**

(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 1 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 refuse, lumber and 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 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)

**Sec. 11-109. Refuse collection by actual producers, franchised collectors and outside collectors.**

The following provisions shall govern the collection of refuse by actual producers or refuse, franchised collectors and outside collectors.

(1) *Requirements for vehicles:* The actual producers of refuse or the owners of premises on which refuse is accumulated who desire personally to collect and dispose of the refuse,

persons who desire to dispose of waste material not included in the definition of refuse, the collectors of refuse under franchise granted by the county, and collectors of refuse from outside of the town who desire to haul over operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled.

- (2) *Disposal:* Disposal of refuse by persons so permitted under subsection (a) above shall be made outside the town limits, unless otherwise specifically authorized by the director of public works.
- (3) *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 refuse over town streets by outside collectors and franchised collectors as he shall find necessary, subject to the right of appeal as set forth in section 11-103.

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

Ownership of refuse material set out for collection by the town or deposited on the town site shall be vested in the town.

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