

**Ordinance Number 2018-13**

**AN ORDINANCE AFFECTING THE REGULATION OF SOLID WASTE: AMENDING CHAPTER 51 OF THE CODE OF ORDINANCES OF THE TOWN OF WILKESBORO**

**WHEREAS**, The Town of Wilkesboro strives to be a high service provider to citizens and businesses alike; and

**WHEREAS**, in accordance with General Statute 103(A)-309.04 the state of North Carolina directs municipalities to reduce the municipal solid waste stream by forty percent; and

**WHEREAS**, The Town of Wilkesboro understands that it is our civic duty to reuse, recycle, and compost, not only because of a state mandate, but because it is the responsible action to take to preserve our local environment that we all hold dear; and

**WHEREAS**, to endeavor to work hand-in-hand with local businesses to keep our communities clean and landscapes healthy for years to come; and

**WHEREAS**, The Town of Wilkesboro strives to provide modern solid waste solutions to modern solid waste problems; and

**THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WILKESBORO, NORTH CAROLINA**, that Title V, Public Works, Chapter 51: Garbage; Solid Waste, of the Code of Ordinances of the Town of Wilkesboro, North Carolina, is hereby repealed; and

**LET IT BE FURTHER RESOLVED,**

**PART ONE.** That Title V, Public Works, Chapter 51: Garbage; Solid Waste, of the Code of Ordinances of the Town of Wilkesboro, North Carolina, is hereby replaced as follows:

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**§ 51(A).01 DEFINITIONS.**

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

**ASHES.** Residue resulting from the burning of wood, coal or other combustible material.

**BUILDING MATERIAL.** Lumber, brick, stone, carpet, plumbing materials, plaster, concrete, floor coverings, roofing material, gutters or other materials or substances accumulated as a result of construction, repairs or additions to existing structures or accessory structures or demolition of those.

**BULK CONTAINER (DUMPSTER).** A metal container with a minimum size of 400 gallons and a maximum size of 1600 gallons, watertight, constructed with two opening side and top doors so that it can be emptied mechanically by specially equipped trucks.

**BULKY ITEMS.** Items such as household furnishings, white goods, mattresses, box springs, lawn equipment (i.e. mowers, wheelbarrows) and similar household items.

**BUSINESS BUILDING.** Any structure, whether public or private, that is adapted for transaction of business, for rendering of professional services, for amusement, for the display or sale or storage of goods, wares, merchandise, article or equipment, including hotels, apartment houses, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, abattoirs (slaughterhouses), warehouses, sheds, barns and other structures on premises used for or adapted to business purposes.

**BUSINESS TRASH.** Any waste accumulation of paper, cardboard, packaging materials, rags or accumulations of incidental garbage other than household trash which is associated with the operation of stores, offices and nonresidential units.

**COLLECTION.** The act of removing solid waste from a point of generation to an approved disposal site. Collection shall be at the curb for rollout (or backyard in special circumstances), trash, yard waste and recyclable collection.

**DESIGNATED COLLECTION AREA(S).** That geographic location to which the town is responsible for providing solid waste collection services. Collection points shall be at the curb for the rollout, trash, yard waste and recyclables collection.

**ESTABLISHMENTS.** Single-family units, special residential units, multifamily units, nonresidential units and town-owned nonresidential units.

**FOUL ODOR.** Offensive odors emanating from, but not limited to, garbage.

**GARBAGE.** The byproduct of animal or vegetable foodstuffs resulting from the handling, preparation, cooking and consumption of food or other matter which is subject to decomposition, decay, putrefaction and/or the generation of noxious or offensive gases or odors or which during and/or after decay may serve as breeding or feeding material for flies, insects and/or animals. All refuse to result from the use and maintenance of the property, regardless of the nature of the action thereon.

**HAZARDOUS WASTES.** The following is an explanation of hazardous waste as published in the North Carolina Hazardous Waste Law adopted for the Federal Environment Protection Agency (EPA). For the purposes of this chapter, the definition of hazardous waste has been condensed. The items defined are not inclusive of all items specified by the EPA regulations. Hazardous waste is defined as potentially dangerous byproducts of our highly industrialized society that cannot be handled, treated or disposed of without special precautions. It includes ignitable, corrosive, reactive and toxic wastes such as acetone, gasoline and industrial alcohol, alkaline cleaners, acids, cyanide and chlorine, arsenic, pesticide wastes, drugs, paint, caustics, infected material, offal, fecal matter (human and animal), explosives and any other material of similar nature.

**HOUSEHOLD TRASH.** Any waste accumulation of paper, sweepings, rags, bottles, cans or other matter of any kind, which is usually attendant to housekeeping, excluding recyclables and garbage.

**INDUSTRIAL WASTE.** All waste, including solids, semi-solids, sludge and liquids created by factories, processing plants or other manufacturing enterprises.

**INSPECTOR.** The person or persons designated by the Town Manager to perform the duties and responsibilities assigned by this chapter to the inspector.

**LITTER.** Any discarded man-made materials including, but not limited to, solid waste materials, industrial materials, household trash, business trash, building materials, scrap materials and hazardous waste as terms are defined in this chapter.

**MULTIFAMILY RESIDENTIAL UNIT.** Any apartment, group of apartments or condominiums used for dwelling places of 3 or more families.

**NONRESIDENTIAL UNIT.** Any retail, manufacturing, wholesale, institutional, religious, nonprofit organization, governmental or another unit not primarily used for residential purposes.

**PERSON.** Any person, owner, agent, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, occupant, lessee, tenant or representative or group of individuals or entities of any kind.

**PHYSICAL DISABILITY.** A medical condition verified by a registered physician that makes an individual either physically unable to bring a rollout container to the curbside for collection and/or that makes undertaking that act clearly and seriously threatening to that person's health.

**PORTABLE PACKING UNIT.** A metal container not exceeding 4,500 pounds gross weight with an 800 to 1600 gallon capacity that contains a packing mechanism and an internal or external power unit.

**PREMISES.** Lots, sidewalks, rights-of-way, grass strips or curbs up to the edge of the pavement of any public street.

**RECYCLABLES.** Material designated as capable of being sorted, processed, transported and sold to markets for the remanufacture of like or different products. Items include newspapers and accompanying inserts, glass, food and beverage containers, plastic soft drink and liquor bottles, aluminum cans, bi-metal cans, steel or tin cans, yard waste and other items determined to be recyclable by the Solid Waste Department.

**RECYCLABLES BIN.** A 21-gallon plastic container furnished by the town or town-designated private collector and distributed for use in the residential recyclables collection program.

**REFUSE.** Solid waste accumulations consisting of garbage, household trash, yard waste and business trash as herein defined.

**REFUSE RECEPTACLE.** A metal or plastic container resistant to rust, corrosion or rapid deterioration.

**REGULAR COLLECTION.** All collection services offered recurrently, at least once per week, which includes the collection of vegetable and food wastes in a manner safe to public health.

**RESIDENTIAL SOLID WASTE.** Garbage and trash, which may include glass jars, bottles, steel cans, plastic soda and liquor bottles, newspaper and inserts, plastic milk and water jugs and other solid waste including yard waste.

**RESIDENTIAL SOLID WASTE.** shall not include discarded building materials, trees, brush and other material resulting from the activities of building contractors or lawn services, larger quantities of sod, dirt, and trash from land clearing or other material requiring special handling.

**ROLL-OUT CART.** A container having wheels and a hinged lid, issued by the town or by a firm under contract with the town, for the disposal of refuse and recycling as defined and prepared in accordance with this article.

**SEPARATE COLLECTION.** All collection of specifically defined materials not associated with regular collection practices.

**SCRAP METAL.** Any item creating a littered condition including, but not limited to, dilapidated furniture, appliances, machinery, equipment, building material, automotive parts, tires or other similar items which are either in a wholly or partially rusted, wrecked, junked dismantled or inoperative condition.

**SINGLE-FAMILY RESIDENTIAL UNIT.** Any dwelling occupied by 1 family.

**SOLID WASTE.** Accumulations consisting of any combination of business trash, garbage, household trash, bulky items, yard waste, recyclables and scrap materials and shall be collected through curbside trash, rollout, recyclables, yard waste, bulky items or business trash collection activities.

**SPECIAL RESIDENTIAL UNIT.** Any duplex, triplex, quadruplex or mobile home park.

**TRASH.** The byproduct of animal or vegetable food waste resulting from the handling, preparation, cooking and consumption of food or other matter which is subject to decomposition, decay, putrefaction and/or the generation of noxious or offensive gases or odors or which during and/or after decay may serve as breeding or feeding material for flies, insects and/or animals. All refuse to result from the use and maintenance of the property, regardless of the nature of the activity thereon except garbage. (Sometimes referred to as GARBAGE)

**WASTE.** All useless, unwanted or discarded materials resulting from industrial, commercial, agricultural and residential activities (excluding sewage).

**WHITE GOODS.** Large electrical goods used domestically typically white in color. Large white goods, such as refrigerators, microwaves, washers, dryers or dishwashers will be accepted.

**YARD WASTE.** Grass, weeds, leaves, tree trimmings, plants, shrubbery pruning's and other similar materials which are generated in the maintenance of yards and gardens, and which are separated from other solid waste materials and placed in a designated recycling collection area. Yard waste shall not include trees, tree limbs, brush and other material resulting from commercial tree trimmers and/or commercial lawn care services. Items that are over 6 feet long and 3 inches in diameter will not be accepted. Stumps will not be collected.

#### **§ 51(A).02 SUPERVISION OF COLLECTION; REGULATIONS.**

(A) The Field Operations Supervisor, with the approval of the Public Works Director, shall supervise the collection, removal, disposition and processing and sale of all refuse of bulky items, yard waste, and recyclables.

(B) The Public Works Director, with the approval of the Town Manager, may prepare and publish rules for the effective administration and enforcement of the provisions of this chapter. It shall be unlawful for any person to fail, neglect or refuse to comply with these rules and regulations.

(C) The Town Manager and Public Works Director shall have all authority to vary the level of refuse collection service for experimental purposes and on a temporary basis at the direction of the Town Council. Service elements that may be altered include, but are not limited to, the frequency of collection, container type and allowable volume per customer per pickup.

(D) No owner or occupant of a residential premise shall prohibit or prevent weekly solid waste collection services, including recyclables collection, at the premises.

**§ 51(A).03 COLLECTION ROUTES, SCHEDULES AND PLACEMENT OF CONTAINERS.**

(A) The Public Works Director shall establish collection routes and schedules and may alter these routes and schedules from time to time. A copy of the current routes and schedules shall be kept on file in Town Hall and in the office of the Public Works Director.

(B) The Town Council may establish and revise from time to time a policy relating to the number of times per week the town will collect solid wastes from various classifications of premises and the maximum number of solid waste receptacles that the town will service on any one premise.

(C) Normal refuse collection service will consist of one collection per week of refuse, prepared in accordance with this chapter and placed in one or more 96-gallon roll out carts or glass recycling containers

(D) 96-gallon roll out carts and 21-gallon glass recycling containers, and no other containers, for refuse and recycling, shall be set out for collection only upon those days designated for the premises involved in the schedule provided for in this chapter.

(E) Where the curbside collection is available, containers shall be placed by the street within 10 feet of the curb line or where the rollout is delivered, and not in the traveled portion of the street, by 6:00 a.m.

(F) Rollout carts and glass recycling containers for refuse shall be removed from the street or alley by 7:00 p.m. on the day of collection. The Town of Wilkesboro reserves the right to charge a fee for noncompliance with this requirement as noted in the current schedule of fees. Section 51.99 of this ordinance, entitled Penalties and Remedies may also be referenced.

**§ 51(A).04 CONTAINER, STORAGE AND COLLECTION PRACTICES.**

- (A) Each residential customer will be provided with a 96-gallon roll out cart by the town. Implementation will be done according to a schedule prepared by the Public Works Director, recommended by the Town Manager and approved by the Town Council.
- (B) The Public Works Director may exempt customers from using the 96-gallon roll out carts if requiring use causes a hardship related to a topographic site restriction or another similar type of hardship. Exemptions will be made on a case by case basis at the discretion of the Public Works Director and may be changed or amended at any time.
- (C) Customers using the rollout cart may not fill the cart in a manner that the cart lid will not close tightly over the cart body or so full that the mechanical lifters mounted on refuse packers or sanitation workers cannot lift the cart. If the customer cannot comply with this requirement another rollout cart will be provided for them. The monthly fees will be assessed at the rate in the current schedule of fees at the time the cart is provided.
- (D) Each 96-gallon rollout carts used in the residential garbage collection program are the property of the town and the town provides general maintenance for them at no cost to the resident. A replacement fee will be charged for rollout carts that are damaged, defaced or removed from the premises by the resident. The fee will be assessed according to the current schedule of fees.
- (E) Trash and recycle rollout carts shall be used for the disposal of residential and approved commercial garbage only.
- (F) Spilled materials or overflow caused by the property owner or occupant shall be cleaned up immediately after spillage or overflow occurs by the owner or occupant.
- (G) Spilled solid waste materials caused by the town collection crew of the town's authorized collection agent shall be cleaned up immediately after spillage occurs by the crew.
- (H) Rollout carts will be collected from the curbside provided they are easily accessible to collection personnel without having to unlock or open a door, unlock a gate or similar obstacle, or encounter a vicious animal. Town collection personnel shall not provide service if required to ascend or descend multiple steps to obtain access to rollout containers, or if denied reasonable access by parked vehicles, equipment or other objects. Additionally, the Town waives liability for any property damage incurred during the collection of improperly placed rollout carts.
- (I) Garbage placed in rollout carts shall be wrapped, bagged or enclosed in paper or plastic material. Any liquid waste, such as grease, shall be sealed in its own separate container before being placed in the rollout container. Failure to comply with this rule may result in the customer being charged as stated in the current schedule of fees for the cleaning and/or replacement cost of their rollout cart.

(J) All potentially dangerous trash items and all waste material of a hazardous nature, such as broken glass, light bulbs, needles, and sharp pieces of metal, shall be securely wrapped to prevent injury to the collection crews. It is illegal to place fluorescent tubes in the landfill, therefore, refuse of this description WILL NOT be picked up the Public Works.

(K) Trash of a hollow or bulky nature shall be flattened out or broken up prior to depositing it in authorized containers.

(M) Request for additional rollout containers at the same property address shall be reviewed on a case-by-case basis. Approval of additional container(s) shall be contingent upon an investigation by the town to determine whether an actual need exists. Owner or occupant will be charged a monthly fee for each cart as per the current schedule of fees.

**§ 51(A).05 PHYSICALLY DISABLED SERVICE.**

(A) The Public Works Director may exempt customers from putting the roll-out cart(s) on the street if requiring placement causes a hardship related to the customer's age, an infirmity, a topographic site restriction, or another similar type of hardship. Exemptions will be recorded in writing and kept in the office of the Public Works Director. All exempt customers must comply with the requirements of § 51.04.

(B) In order to qualify for an exemption, every member of the household shall be physically disabled as verified by a physician. Based on a physician's note, the Solid Waste Division will grant physically disabled status.

(C) For physically disabled persons, rollout containers will be collected from a location mutually agreed upon by the Public Works Director and resident. The Public Works Director shall have final authority to determine the most advantageous and safe location during disputed situations.

(D) The town reserves the right to verify the need to continue physically disabled services to residents that have been approved to receive those services. The town shall also reserve the right to continue or discontinue service.

**§ 51(A).06 CONTROL OF SOLID WASTE.**

(A) It shall be unlawful for any person owning or occupying property to cause or allow solid waste to be placed, deposited or to accumulate on his or her property except in 96-gallon roll-out carts and glass recycling bins as authorized by this chapter. All solid waste stored shall be stored so as to eliminate wind-driven debris and unsightly litter on the property and any spillage or overflow shall be cleaned up and containerized immediately. Once properly stored, all solid waste that the town will collect shall be immediately placed in an appropriate location for removal by the town. All other waste not subject to town collection shall be immediately removed from the property by the occupant and/or property owner. Any unauthorized accumulation of litter is



hereby declared to be a public nuisance in accordance with Chapter 132.12 of the Town of Wilkesboro, North Carolina Code of Ordinances and is prohibited.

(B) The person in possession of property shall maintain the property, including sidewalks, grass strips, 1/2 of ally, curbs or right-of-way up to the edge of the pavement of any public street in a clean and litter free manner.

(C) All commercial establishments shall, particularly with respect to their loading and unloading areas, store their refuse in bulk containers (dumpsters) so as to eliminate wind-driven debris and litter in and about the establishments. Approved methods of containerization include Town issued rollout carts and bulk containers (dumpsters). The establishment shall immediately clean up spillage and overflow when and as it occurs.

(D) Parking lots shall be maintained by the person in possession in a clean, litter-free manner, with all trash generated therein containerized and prevented from spreading to adjoining property. It shall be the responsibility of the person in possession of the parking lot to collect the refuse and trash deposited on the lot and place this material in containers.

(E) It shall be unlawful for any person undertaking any construction, renovation or demolition activities to fail to provide on-site receptacles for containerizing all debris and waste material produced by those working on site which is capable of being windblown or scattered from the site. Examples of appropriate receptacles shall include but not be limited to dump trucks, trailers, bulk containers and containers made of fencing material. All waste shall be containerized and secured so as to prevent being windblown by the end of each day, and the site shall be kept in a reasonably clean condition. Dirt, mud, construction materials or other debris deposited on any public or private property as a result of the construction or demolition shall be immediately removed by the contractor. Construction sites shall be kept clean and orderly at all times.

(F) Every owner and every occupant of any premises shall maintain that area of the street right of way between the edge of the traveled road curb line and the adjacent property line in a reasonably safe condition and shall remove dangerous plantings, shrubbery, limbs, tall grass and weeds and other noxious growth from the area of the street right of way.

Penalty, see § 51.99

#### **§ 51(A).07 TOWN SERVED NONRESIDENTIAL UNITS.**

(A) Approved service to the town served nonresidential/commercial units shall be at least once a week. Collection shall be limited to two 96-gallon containers per tenant. A second container may be leased from the Town as noted in § 51.04 and according to the current schedule of fees.

(B) Until the time that collection practices are amended by the Town Council, when refuse accumulates at stores, hotels, apartments, duplexes, triplexes, quadruplexes, condominiums,

theaters, office buildings, schools, clubs, mobile home parks, commercial establishments, industrial establishments or at any other place in quantities of 192 gallons or less, the same will be collected by the solid waste division if refuse is placed in the town approved 96-gallon roll-out carts and meeting the standards set forth in other sections of the chapter.

(C) Where the refuse at any of the indicated establishments exceeds 192 gallons, exclusive of special collections, the owner shall be required to contract with a private company providing bulk container/dumpster refuse service. The Public Works Director or designee will determine the type of service to be provided. Unless refuse is placed in the 96-gallon container as outlined in this chapter, the Town will not collect it.

(D) Designated representatives of the solid waste division shall have the authority to determine whether any unit is generating more than the maximum capacity per collection and, if so, those units shall be required to convert from rollout service to bulk container service with a private contractor. Bulk containers must be shielded from view in such a way that complies with the requirements of the Wilkesboro Zoning Ordinance and the planning department must approve the shielding.

#### **§ 51(A).08 BULK CONTAINERS / DUMPSTERS.**

(A) (1) The property owner of any apartments, group of apartments, condominium, mobile home park, or residential structure, containing 6 or more units shall provide at least one bulk container/dumpster for the purpose of refuse collection. The Town of Wilkesboro will not provide curbside service to these units.

(2) Institutional and businesses required to have bulk container/dumpster if they exceed more than two 96-gallon roll-out containers for refuse.

(B) The Public Works Director or designee shall have the authority to assist in determining the quantity, size, and location of bulk containers and to determine whether those bulk containers are serviceable. In making this determination, the public works director and the business administrator shall consider the needs of the occupants of the premises, the welfare of the occupants and neighbors and the town's need to facilitate collection and minimize the cost of service.

(C) The owner of the premises shall provide at least one or more bulk containers so that the following criteria relating to capacity are satisfied:

(1) Approximately 100 gallons of storage capacity shall be provided for each dwelling unit or fraction thereof; and

(2) The owner or occupant shall provide the smallest number of bulk containers capable of satisfying the requirements stated in division (C)(1) of this section.

(3) The containers shall at all times be kept clean, neat, painted, in a good state of repair and easily accessible to collection personnel. No bulk containers shall be placed in front of a residence, in front of the building setback line closest to the street or in a public right-of-way. Container lids shall be kept closed at all times. All doors and lid springs will be in working condition. Businesses or occupants leasing the containers shall be responsible for notifying their service contractor of any damaged conditions. Cleaning up spilled materials shall be the responsibility of the property owner or occupant and shall occur immediately after any spillage or overflow occurs.

(4) All containers shall have an all-weather driveway surface from the public street to the bulk container; access driveway surface may be paved, but must, at a minimum, be well graded and graveled.

### **§ 51(A).09 RECYCLABLES.**

(A) In compliance with North Carolina General Statute 130A-309.04, and in recognition of the Town of Wilkesboro's commitment to extend the life of the Wilkes County Landfill and set a standard of environmental conscientiousness by which all Wilkesboro residents may follow, the Town of Wilkesboro does hereby set for itself a goal of 40% reduction in the present solid waste stream now being landfilled by initiating a mandatory recycling program. The mandatory program and policy shall consist of commercial and residential collections implemented in a manner to promote the most cost-effective method of compliance with local goals and state mandates.

(B) (1) All residential and commercial establishments are required to participate in the mandatory recycling program. Residential and commercial establishments participating in the mandatory recycling program shall endeavor to recycle all newspapers and all inserts that come with the newspaper, cardboard boxes, pasteboard boxes, cereal boxes and metal cans and aluminum pans by collapsing and/or breaking down boxes and placing boxes/cans in a 96-gallon roll-out cart, labeled RECYCLABLES. No wax boxes or plastic-coated boxes are to be recycled and participants should not place wax boxes or plastic-coated boxes in recycling containers.

(2) All residential and commercial establishments in the mandatory recycling program shall also endeavor to recycle all glass containers regardless of color. The following glass items cannot be recycled: light bulbs, plate glass, glass cookware, mirrors, ceramics, or any glass that is not a container. Paper labels do not need to be removed. All bottle caps and lids must be removed. Glass recyclables must be placed in a separate, 21-gallon, recyclables bin marked GLASS RECYCLABLES.

(3) All residential and commercial establishments in the mandatory recycling program shall also endeavor to recycle all #1 and #2 plastic containers. This includes plastic bottles and milk jugs. The following items are not recyclable: plastic wrap and hard plastics other than types 1 and 2. Procedure to recycle plastic: rinse out bottles and jugs, remove the lids, and place in the recycling container. Lids that are left on recyclable

containers present a hazard to our town employees during the compacting process. For the most up-to-date recyclables, please refer to [www.wilkesboronc.org](http://www.wilkesboronc.org)

(4) The Town of Wilkesboro will collect recyclable materials from residential and approved commercial establishments on a schedule to be determined by the Public Works Director and the Town Manager for the Town of Wilkesboro.

(C) The following regulations shall govern all persons who utilize the Town's recyclables collection program:

(1) Recycling bins are to be used for recyclable items only.

(2) All recyclables, except yard waste, shall be placed in a town-authorized receptacle bin. Additional 21-gallon bins can be purchased by citizens if needed according to the current schedule of fees.

(3) Curbside recyclables collection service will be provided on a day designated by the Public Works Director or designee for curbside collection service. The recyclables rollout cart and glass container shall be placed at curbside separate from other items. Any material not placed inside of the appropriate receptacle shall not be picked up by the Town.

(4) It shall be unlawful to place the recyclables bin at curbside for collection prior to 7 pm the evening before the approved collection date and to fail to remove the container by 7pm on the day of collection.

(D) The purchase of a 21-gallon glass recycling container is made at the Town of Wilkesboro at the Town Hall for in an amount as set out in the current town schedule of fees and for participation in the mandatory recycling program as authorized by the Town of Wilkesboro as set forth herein.

Penalty, see § 51.99

#### **§ 51(A).10 OWNERSHIP OF MATERIALS.**

Recyclable materials and yard waste which are properly placed by an owner or occupant of a property at curbside for collection are deemed to be abandoned by those person(s) and become the property of the town or its authorized agent.

#### **§ 51(A).11 SCAVENGING; PRIVATE COLLECTION.**

It shall be unlawful for any unauthorized person to scavenge, sort, pick through or remove refuse, trash, yard wastes or recyclables stored or set out for collection, or for any person other than the Town or its contractors to collect recyclables in the town where those

materials have been prepared and set out for collection by the town in accordance with this chapter.

Penalty, see § 51.99

**§ 51(A).12 UNAUTHORIZED COLLECTION PROHIBITED.**

It shall be unlawful for any person not authorized by the Town to collect, pick up or cause to be collected or picked up any solid waste including recyclables and yard waste.

Penalty, see § 51.99

**§ 51(A).13 REMOVAL FROM UNIMPROVED PREMISES.**

Refuse shall not be removed from an unimproved property, except when refuse meets the conditions set forth in this chapter, such as creating a health and safety hazard, and then not in excess quantities and only when the property owner can be identified. All applicable fees apply in accordance with this chapter.

Penalty, see § 51.99

**§ 51(A).14 ILLEGAL DUMPING.**

(A) It shall be unlawful for any person to place, discard, throw, drop or deposit, or cause to be placed, discarded, thrown, dropped or deposited any solid waste on:

(1) Any public street, sidewalk or alley within the town or on any property owned or operated by the town or any other public property except in properly designated receptacles;

(2) Any property not owned by a person without the written consent of the owner, occupant or lessee thereof; or

(3) In any stream or body of water.

(B) When litter is thrown from a vehicle, the driver will be held responsible, regardless of who throws the litter. In accordance with G.S. 14-399, the police have full enforcement power over this section.

(C) This section shall not prohibit the dumping or placing of fill on private or public property without the owner's permission of clean sand, dirt, broken concrete, broken pavement, and

natural land debris, uncontaminated by other materials or other material deemed suitable by the Public Works Director and that would not create a nuisance or health hazard. The Town of Wilkesboro shall deem the consent of the Town Manager permission for all town-owned property.

Penalty, see § 51.99

#### **§ 51(A).15 BURNING GARBAGE AND YARD WASTE.**

It shall be unlawful for any person to burn or set fire to garbage for the purpose of disposal, and garbage shall be disposed of only as authorized by this chapter.

Penalty, see § 51.99

#### **§ 51(A).16 DUMPING BY NONRESIDENTS.**

(A) It shall be unlawful for any person to bring construction debris, business trash, garbage, household refuse, household trash, industrial waste, litter, refuse, solid waste, yard waste or any other kind of trash or rubbish into the Town of Wilkesboro from a point outside the town for the purpose of materials to become subject to pick up by the Town of Wilkesboro.

(B) It shall be unlawful for any person to knowingly permit the use of his or her receptacles or any other portion of his or her property by any other person for the disposal of any construction debris, business trash, garbage, hazardous refuse, household trash, industrial waste, litter, refuse, solid waste, yard waste or any other kind of trash or rubbish brought in to the Town of Wilkesboro from a point outside the town for the purpose of disposing of materials to become subject to pick up by the town.

Penalty, see § 51.99

#### **§ 51(A).17 CONTAINERS REQUIRED TO REDUCE LITTER.**

(A) Whenever the Public Works Director determines that solid wastes are commonly or routinely deposited by the customers, employees, licensees or invitees of the premises onto the parking areas or other open spaces of the premises or adjacent properties or streets, the Public Works Director may require that the person in possession of the premises provides a refuse containers on the premises. In locations specified by the Public Works Director to be necessary to minimize the litter problem to the extent reasonably possible and practicable under circumstances. This section is specifically intended to apply, but shall not be limited, to those establishments commonly known as fast food restaurants, strip shopping centers, and convenience stores.

(B) The presumptions established by this section are that to satisfy the standard set forth in division (A) above. There shall be 1 refuse receptacle for every 20 parking spaces or fraction thereof, with a minimum of 2 receptacles per parking lot. This is required for businesses establishments. However, this is only a presumptive standard to guide the discretion of the Public Works Director, and the Director may find in any case that more or fewer receptacles are necessary to satisfy the standard set forth in division (A) above.

(C) Whenever premises served by bulk containers (dumpsters) are required under division (A) above, other refuse receptacles for the use of employees must be located on the premises for the use of employees, customers, licensees or invitees. Whenever other refuse receptacles are furnished voluntarily, the person in possession of the premises shall collect or make arrangements for a private contractor to collect the solid waste deposited in refuse receptacles and place the solid waste in bulk containers serviced by the private contractor.

(D) No person on the parking area or other open spaces of any premises may place, discard, throw, drop or deposit, or cause to be placed, thrown, dropped or deposited any solid wastes on premises except in properly designated receptacles. This shall be considered littering and will be enforced by G.S. 14-399.

Penalty, see § 51.99

#### **§ 51(A).18 DUMPING OF BUILDING AND DEMOLITION MATERIALS.**

It shall be unlawful to maintain or operate a disposal site for the burial of material resulting from building, construction, renovation or demolition. Provided, however, this section shall not prohibit dumping or depositing clean fill material as set forth in § 51.14.

Penalty, see § 51.99

#### **§ 51(A).19 TRANSPORTATION OF LOOSE MATERIALS AND WASTES.**

(A) No person may transport or cause to be transported any solid waste on the public streets of the town unless the solid wastes are secured so as not to escape from the transporting vehicle. In addition, any garbage so transported shall be carried in closed containers that prevent the escape of noxious odors or liquids.

(B) No person may transport or cause to be transported on the public street of the town any loose, solid or liquid materials capable of being easily blown, dropped, scattered or otherwise deposited on the streets or adjacent areas unless materials are properly covered, secured and contained to prevent escape from the transporting vehicle. This division shall not apply to the transportation of poultry or livestock or silage or other grain used in the feeding of poultry or livestock as stated in G.S. 14.399 (b)

(C) It shall be unlawful for any refuse collector to haul refuse over the streets of the town unless he or she uses a watertight vehicle provided with a tight cover and so operates it as to prevent offensive odors escaping therefrom and refuse from being dropped, blown or spilled.

Penalty, see § 51.99

### **§ 51(A).20 SPECIAL COLLECTION; YARD WASTE AND BULK ITEMS.**

(A) Yard Waste:

(1) Yard waste collection shall be provided only to single-family and special residential units served by the town. Yard waste collection shall not be provided to commercial cut limbs.

(2) There may be occasions when the amount of yard waste in a designated area exceeds processing capacity. When this occurs, the yard waste will be picked up at the earliest convenience or next scheduled pickup, whichever is sooner according to the availability of manpower and equipment. Yard waste shall be separated from curbside trash and shall not be placed together to constitute a single, separate collection in order for the town to carry out its other collection program. Collection forces shall collect an amount of yard waste that is customarily and reasonably associated with the residential unit(s) served so long as it is properly prepared or containerized and in compliance with these regulations.

(3) Yard waste, such as grass trimmings, twigs, hedge trimmings, plant trimmings, hay, straw, pine straw and pine cones, shall be collected at curbside provided that they are placed in neat piles.

(4) Loose leaves shall be piled loosely adjacent to and behind the curb or in front of a ditch (not in street, gutter or roadside ditch) for collection by special vacuum equipment. Loose piles of leaves will not be collected unless they are free of trash, such as broken glass, rocks, twigs, cans or other debris that might damage collection equipment. During the seasons when the leaves most commonly fall, the specialized leaf collection equipment will collect leaf refuse on a residential basis. During the fall collection period, no appointments for leaf collection can be made. During the fall the town crews start the collection at one end of town and collect throughout town until the whole town is collected. At which point, the route begins again. Refer to 51(A).20 (9) for penalties.

(5) All tree trimmings and limbs or portions thereof will be collected when the trimmings and limbs are cut from the stump or body of the tree and placed at the edge of the lot adjoining the street or alley. They must be cut in lengths not to exceed 6 feet and not be over 3 inches in diameter and shall not exceed the measurements hereinabove specified of 6 feet in length or 3 inches in diameter and shall be placed on the edge of the lot with the larger ends placed in the same direction and neatly piled



substantially perpendicular to the curb. It will be considered excessive collection if the collection of limbs shall require more than 1 load with a truck or more than 1 hour with the chipper, extra loads or extra chipping will be performed at the rate set in the current schedule of fees, which will be invoiced by the Billing Department Town Hall according to the current schedule of fees. Town collection forces or its authorized agent will not collect tree stumps.

(6) The Town of Wilkesboro does not allow bagged yard waste of any kind.

(7) No materials, such as trees, shrubbery or underbrush resulting from land being cleared or building materials occurring from a construction.

(8) No commercially cut limbs or debris will be accepted curbside. No commercially cut limbs shall be placed for collection by the town but materials shall be disposed of by the contractor, builder or owner. In the event that the contractor or builder fails to remove material, the removal thereof shall be the responsibility of the owner of the property.

(a) If property is within the town limits, a contractor may haul their yard waste to the town compost site and disposed of for free.

(b) When excess compost/mulch is available, citizens will be allowed to pick up compost/mulch at the compost site. Citizens must provide their own vehicle for collection of compost/mulch.

(9) The solid waste division may decline to collect any yard waste that is not prepared or placed for collection in accordance with these regulations or exceeds the maximum amount. Damage to equipment due to improper preparation of material will result in a separate fine as determined by the schedule of fees.

(B) Curbside Bulk item collection:

(1) Residential and approved businesses that are paying for solid waste on their monthly utility bill are eligible for bulk item collection by the town of Wilkesboro.

(a) Residents are allowed one free bulk item pick-up per year. Additional bulk item pick-ups will be performed for a fee. Fees are assessed on the current schedule of fees. Business bulk item pick-ups will be assessed on a case-by-case basis as per the Public Works Director.

(2) Residents shall notify the Public Works Department of bulk items to be collected by the Town of Wilkesboro. Per notification, a truck will be delivered and, at the discretion of the Public Works Director, loaded by the resident. Each resident must complete and sign a Town of Wilkesboro Truck Policy Statement. Charges for collection will be invoiced by the Billing Department of Town Hall.

(3) The town will collect and dispose of the following properly prepared items on a scheduled basis based on request for services from the town's regular residential customers:

(a) Bulky items, such as discarded furniture and appliances not practical to containerize and appliances (white goods) will be picked up. The town will collect normal household discarded furniture and appliances, including sofas, chairs, beds, carpets, box springs and similar items. The cost for bulk item disposal will be indicated in the current schedule of fees.

b) Items not collected by the town include, but are not limited to furnaces, central air conditioning units, roofing materials, tires, hazardous materials, lead acid batteries (such as vehicle or equipment batteries), or similar items. These items require special handling that local governments are not equipped to perform.

(c) Bulk items from a regular residential customer that became the property of a landlord will be removed by the Town as a part of the bulk collection procedure detailed above with any fees incurred becoming the responsibility of the landlord.

(4) Special service collection for bulky items and/or scrap materials shall only be provided to single-family and special residential units. This service is not available for:

(a) Appliance and equipment changes that are related to the operation of a business or leasing of a property. Those business-related activities are the responsibility of the rental agent and/or owner of the property;

(b) Items from businesses operated from a residential unit;

(c) Items that are the consequence of a fire at a business or residential structure. The Public Works Director shall have the authority to provide special services collection when, as a result of a fire, there is only a single bulky item or what would otherwise be a normal collection amount as opposed to clearing the premises of burned or scrap material items; or

(d) Oxygen tanks and other medical equipment; propane tanks; large oil tanks used for household purposes; parts of campers, boats, camper shells, trailers; automotive parts, including but not limited to: motors, doors, tires, fenders, car or seats from residentially used premises and the like.

(5) The Public Works Director shall have the authority to determine whether bulky items or scrap material are subject to town collection and shall have the discretion to

determine whether a request for service is consistent with the eligibility standards as described above. Special collection service requirements are as follows:

- (a) Bulky item or scrap materials shall not be collected if it is too large to be placed on the solid waste service's division collection vehicle.
  - (b) Any appliance accepted for collection must be empty of its contents.
  - (c) Large furniture items shall be dismantled prior to collection so that a reasonable person can expect 2 individuals to easily load them onto or off of the special collection vehicle. The only exception to this policy is for pianos, which do not have to be dismantled for collection.
  - (d) Gasoline must be removed from all lawn mowers prior to collection.
  - (e) Tires must be removed from all bicycles prior to collection.
  - (f) All glass in windows, doors, mirrors and other items with large expanses of glass must have the glass taped with an X mark so that it will not shatter in the collection process.
  - (g) Any bulky item or scrap material collected shall be of the weight or size that a person would reasonably expect 2 individuals to easily pick each item up for disposal.
- (6) The Public Works Director shall have the authority to require items to be prepared for ease of collection and to ensure the safety of the employees performing the collection task. An item not prepared properly may be refused for collection at the Public Works Director's discretion.
- (7) It shall be unlawful to place trash refuse out for collection along with a scheduled bulk item pickup.

Penalty, see § 51.99

**§ 51(A).21 SOLID WASTE NOT TO BE COLLECTED BY TOWN.**

- (A) The town will not collect the following types of solid wastes, and no person may place any of the following in any container or receptacle intended for collection by the town:
  - (1) All hazardous refuse and industrial waste shall be stored in suitable leak-proof containers sufficient to ensure that no refuse or waste leaks or spills onto any public or private property. Customer will be held responsible for any leaks, spills, or damage

caused by improperly sealed containers. It shall be the responsibility of the person in possession of the premises where hazardous refuse or industrial waste is generated to see that it is disposed of properly;

(2) The removal of clothing, bedding or other refuse from homes or other places where highly infectious diseases have occurred shall be performed under the supervision and direction of the County Health Department;

(3) Building materials shall be removed by the owner of the property or by the contractor. No new certificate of compliance or occupancy shall be issued until the owner or contractor has removed the material. The town may pick up small amounts not associated with repairs, alterations, construction, and demolition;

(4) Human and animal tissues or waste from operation, autopsy or obstetrical procedures or any other material of similar nature;

(5) A material of any nature, including ashes, that contains any hot or live coals or fire;

(6) No person may dispose of or discard any hypodermic syringes, needle or any instrument or device for making hypodermic injections in the waste stream of the town before first breaking, disassembling, destroying or otherwise rendering the instrument or device inoperable and incapable of reuse and without further safeguarding the disposal thereof by placing in either a milk jug, coffee can with a lid or similar containers. Medical or other biohazard materials shall be removed and disposed of under the supervision and direction of the County Health Department.

(B) The following materials will not continue to be collected by town personnel along with other garbage and refuse routinely collected by the Town of Wilkesboro through the town's sanitation service:

(1) Wax or plastic coated, or otherwise contaminated corrugated sheets and boxes which will not be accepted by any recycling agency.

**§ 51(A).22 ACCUMULATION OF SOLID WASTES PROHIBITED.**

(A) No person may cause, suffer or permit refuse to accumulate or remain on premises under their control except in accordance with the provisions of this chapter. The remaining divisions of this section are not intended to limit the generality of the foregoing.

(B) It shall be the responsibility of the general contractor to see that all construction and demolition contractors keep the site in a reasonable clean and litter-free condition as possible for a construction or demolition site. All loose debris, paper, building material waste, yard waste, scrap building materials and other trash produced by those working on the site shall be

containerized or disposed of in any other reasonable manner by the contractor. Construction materials or other debris deposited on any public or private property as a result of construction or demolition shall be immediately removed by the contractor. The burning of refuse is prohibited in the Town of Wilkesboro

### **§ 51(A).23 DISTRIBUTION OF HANDBILLS.**

No person, firm, corporation or organization shall deposit in, paste on or attach to any motor vehicle or public property any handbills, advertisements, cards, circulars, leaflets, folders, banners, letters or pamphlets or cause that material to be deposited in, pasted on or attached to any motor vehicle or property without the consent of the owner of the vehicle or property, with exception to utility bill distributed from the Town of Wilkesboro. This is in accordance with G.S. 14-399 (k).

Penalty, see § 51.99

### **§ 51(A).99 PENALTIES AND REMEDIES.**

(A) A violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable as provided in G.S. § 14-4.

(B) A violation of any of the provisions of this chapter shall also subject the offender to a civil penalty of \$50. If a person fails to pay this civil penalty within 10 days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(C) A second offense at the same location shall warrant a civil penalty of \$75.

(D) A third offense at the same location shall warrant a civil penalty of \$100.

(E) The town may seek to enforce this chapter through the appropriate equitable action. The Public Works Director or designee shall have authority to issue notices of violation and/or civil citations to any person if there is reasonable cause to believe that the person has violated any of the provisions of this chapter. A code enforcement designee may seek enforcement through § 132.12 of the Code of Ordinances.

(F) Any notice of violation or citation shall be delivered personally to the violator or shall be sent by registered or certified mail to the last known address of the violator.

(G) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(H) The town may seek to enforce this chapter by using any one or combination of the foregoing remedies.

**Statutory reference:**

**Enforcement of ordinances, see G.S. § 160A-175**

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**PART TWO.** All ordinances or part of ordinances in conflict with the provisions of this ordinance are hereby to the extent of such conflict.

**PART THREE.** This Ordinance shall become effective upon its adoption by the Town Council of the Town of Wilkesboro, North Carolina.

**PART FOUR.** If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holdings shall not affect the validity of the remaining portions hereof.

**PART FIVE.** This ordinance shall be in full force and effect from and after the date of its adoption.

**LET IT BE FURTHER RESOLVED,** that the 2018-2019 Schedule of Fees will be amended to include all changes put forth in the proposed schedule of fees.

**Adopted this the 10<sup>th</sup> day of September 2018.**



Mike Inscore

Mike Inscore, Mayor

ATTEST:

JK Byrd

James K. Byrd, Town Clerk

Approved as to from:

John S. Willardson

John S. Willardson, Town Attorney