**CHAPTER 30: SOLID WASTE**

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***Statutory reference:***

*Authority to operate public enterprises, see G.S.  160A‑312 et seq.*

***ARTICLE I. IN GENERAL***

**30‑1 DEFINITIONS.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

***ASHES.*** Solid waste from fires which has been wetted and cooled to the touch prior to collection.

***BLOOD*** and ***BODY FLUIDS.*** Liquid blood, serum, other blood products, emulsified human tissue, spinal fluids and pleural and peritoneal fluids. Dialysates are not ***BLOOD*** or ***BODY FLUIDS*** under this definition.

***BULK CONTAINERS.*** A metal container of not less than four cubic yards capacity and not larger than eight cubic yards capacity constructed so as to be watertight, but with the drain plugs at the lowermost points of the container to facilitate the drainage of any liquids that might accumulate in the container or from cleaning the container. ***BULK CONTAINERS*** shall have lids that open at the top and shall be constructed so that it can be emptied mechanically or by specially designed trucks.

***COMMERCIAL ESTABLISHMENT.*** Any non-residential establishment which may generate garbage, business trash or other refuse, including, but not limited to, any retail, wholesale, motel, hotel, institutional, religious, governmental or other non-residential establishments.

***COMMERCIAL WASTE.*** Solid waste generated from institutions and commercial establishments such as hotels, stores and the like.

***CONSTRUCTION OR DEMOLITION.*** (When used in connection with the terms waste and debris), solid waste resulting solely from construction, remodeling, repair or demolition operations on pavement, buildings or other structures, and shall include all building rubbish, but does not include inert debris, land clearing debris or yard waste.

***CONTRACTOR.*** A private contractor employed by the town for garbage, trash, refuse and recyclable material collection.

***CURBSIDE.*** The area located back of the curb or next to the street designated as the access area for pickup of refuse.

***DETACHABLE CONTAINER.*** A unit varying in capacity between 20 cubic yards and 42 cubic yards which is used for collecting, storing and transporting building materials, commercial waste, industrial waste, hazardous refuse, refuse or yard trash. The unit may or may not use an auxiliary stationary packing mechanism for compaction of materials into the container and may be of the open or enclosed variety. The distinguishing feature of the ***DETACHABLE CONTAINER*** is that it is picked up by a specially equipped truck and becomes an integral part of the truck for transporting the waste materials to the disposal site.

***DIRECTOR OF PUBLIC WORKS.*** The Director of Public Works for the town or his or her designated agent.

***GARBAGE.*** All putrescible waste, that is solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal and carcasses, including animal offal and carcasses and recognizable industrial byproducts, but excluding sewage and human waste. ***GARBAGE*** shall also include paper, glass and plastics not capable of being recycled.

***INDUSTRIAL WASTE.*** Sawdust, shavings, feathers, excelsior, cartons, boxes, metal, glass, paper, wood, textiles, chemicals, plastic or other waste materials from processing plants, factories or manufacturing operations.

***POLY‑CART CONTAINER.*** A roll‑out cart.

***RECYCLABLE MATERIAL.*** Those materials which are capable of being recycled, can be marketed at a value greater than the costs associated with processing and shipping that material to a buyer and which would otherwise be processed or disposed of as solid waste.

***REFUSE.*** All solid waste, including, but not limited to, garbage, yard waste and recyclable material.

***ROLL‑OUT CART.*** A wheeled solid waste receptacle with a capacity of approximately 90 gallons or more constructed of nonmetal material designed to be emptied mechanically by specifically designed trucks. A ***POLY‑CART*** and ***ROLL‑OUT CART*** are the same.

***SCRAP TIRE.*** A tire that is no longer suitable for its original, intended purpose because of wear, damage or defect.

***SOLID WASTE.*** Any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by their treatment in sanitary sewage collection, treatment and disposal systems; and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations and from community activities.

***TIRE.*** A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle, as defined in G.S.  20‑4.01(23).

***TRASH.*** All yard waste.

***WHITE GOODS.*** Inoperative and discarded refrigerators, ranges, water heaters, freezers or other similar domestic and commercial large appliances.

***YARD WASTE.*** Solid waste consisting solely of vegetative matter resulting from landscaping maintenance, which includes tree limbs, grass clippings, leaves, brush and the like and shall also include crockery when used for potting purposes.

(2001 Code,  30‑1) (Ord. 1993‑5(a), passed 1‑12‑1993)

***Cross-reference:***

*Definitions generally, see  1‑2*

**30‑2 PENALTY FOR VIOLATION.**

Violation of any provision of this chapter shall subject the offender to a civil penalty of $500, pursuant to  1‑6, and shall also be subject to appropriate equitable remedies, including, but not limited to, injunctive relief.

(2001 Code,  30‑2) (Ord. 1993‑5(a), passed 1‑12‑1993)

**30‑3 ADMINISTRATION AND ENFORCEMENT.**

The administration and enforcement of the provisions of this chapter shall be the responsibility of the Public Works Administrative Department.

(2001 Code,  30‑3) (Ord. 1993‑5(a), passed 1‑12‑1993)

***Cross-reference:***

*Administration, see Ch. 2*

**30‑430‑30 RESERVED.**

***ARTICLE II. COLLECTION SERVICES***

***Statutory reference:***

*Authority to require use of solid waste collection services, see G.S.  160A‑317*

**30‑31 RESPONSIBILITY FOR SOLID WASTE REMOVAL.**

Responsibility for administration of solid waste removal shall lie with the Public Works Department and may be delegated to a private contractor pursuant to G.S.  160A‑20.1.

(2001 Code,  30‑31) (Ord. 1993‑5(a), passed 1‑12‑1993)

**30‑32 RESPONSIBILITY OF OWNER/OCCUPANT.**

Every owner, occupant or other person in control of any building, residence, commercial establishment or industry located in the town, including owners of vacant property, shall keep the property in a clean and orderly condition and shall deposit all garbage, waste, trash and recyclable material for collection in accordance with the provisions of this article and the regulations of the Town Manager and Director of Public Works.

(2001 Code,  30‑32) (Ord. 1993‑5(a), passed 1‑12‑1993)

**30‑33 DEPOSITING WASTE ON PUBLIC OR SEMI-PUBLIC AREAS PROHIBITED.**

No person shall throw, deposit or cause to be thrown, dropped or deposited on any land in the town, vacant or occupied, including specifically streets, alleys, sidewalks and other public and semi-public areas or in any waters under the jurisdiction of the town, any waste, garbage, trash or solid waste, unless the materials shall be deposited in accordance with the provisions of this article.

(2001 Code,  30‑33) (Ord. 1993‑5(a), passed 1‑12‑1993)

**30‑34 CONTAINERS REQUIRED FOR SOLID WASTE REMOVAL.**

(A) All residential householders (except for residences of mobile home parks, apartment buildings or other multi-family housing areas) shall be provided with one roll‑out container per household. The roll‑out container provided shall be not less than 90 gallons capacity and shall remain the property of the contractor providing the container. In addition, all households, including those within mobile home parks, apartment buildings and multi-family housing areas, shall be provided a recycling container of 18‑gallon capacity and shall be utilized for the storage of recyclable materials approved by the Board of Commissioners for pickup at the curb by the contractor on the approved scheduled day for servicing. The recycling container shall remain the property of the contractor.

(B) All residents residing in a mobile home park, apartment building or other multi-family housing area shall be provided with bulk containers for use of all residents within the designated area. Exceptions to this requirement may be approved by the Director of Public Works and roll‑out containers shall be substituted.

(C) All persons doing business in a commercial establishment within the town limits shall be provided bulk containers or poly‑cart containers suitable for the needs of the commercial establishment, as determined by the Director of Public Works. As a general rule, poly‑carts will be provided to the commercial establishments that generate less than one cubic yard of waste per week; and bulk containers shall be provided for commercial establishments that generate more than one cubic yard of waste per week.

(2001 Code,  30‑34) (Ord. 1993‑5(a), passed 1‑12‑1993)

**30‑35 PREPARATION OF SOLID WASTE AND RECYCLABLE MATERIAL FOR COLLECTION.**

(A) Residential roll‑out cart users and commercial establishments with roll‑out carts or poly‑carts shall place all garbage in the roll‑out containers, which shall be placed at the curbside or other approved location with proper access for collection so that the containers can be emptied mechanically by specially designed trucks.

(B) Recyclable materials shall be placed in the recyclable material containers in accordance with the instructions and regulations provided by the Public Works Director or contractor; the recyclable material container shall be placed at the curbside, or other approved location, separate and apart from the roll‑out container for collection by the contractor.

(C) For residents residing in mobile home parks, apartments or multi-family housing areas, garbage shall be placed in the bulk containers provided for the housing area; recyclable materials shall be placed in the recyclable material containers for collection at the curbside by the contractor; yard waste shall also be placed at the curbside for collection by the contractor in accordance with the provisions in this article.

(D) Yard waste shall be placed at the curbside separately from the roll‑out containers and recyclable material containers for collection by the contractor. Tree limbs and brush shall not exceed four feet in length and four inches in diameter. Stumps will not be collected from the curbside. Leaves shall be maintained separately so as not to mix with tree limbs, shrubs or other yard wastes. Yard wastes shall not mix with any other types of waste.

(E) Special waste, including large bulky items such as white goods, stoves, refrigerators, water heaters or other appliances, sofas, box springs, other furniture and other similar type debris, shall not be placed at the curbside. These wastes shall be removed by the contractor strictly on a call‑in basis subject to an applicable fee. Upon notification, the contractor will schedule an appointment to deliver a vehicle for removal of these special wastes.

(F) In general, solid waste and recyclable material collection begins at 7:00 a.m. Curbside pickup will be provided by the contractor on the approved scheduled day for servicing. Roll‑out containers, recyclable material containers and yard waste which are not out when the truck passes will not be collected until the next regularly scheduled pickup date.

(2001 Code,  30‑35) (Ord. 1993‑5(a), passed 1‑12‑1993)

**30‑36 AVAILABILITY AND EXTENT OF SERVICE.**

(A) Roll‑out containers, recyclable material containers and yard waste for residential customers shall be serviced on the days and in the manner designated by the Public Works Director.

(B) From commercial establishments, collections shall be made according to the schedule and in the manner designated by the Public Works Director.

(C) The town reserves the right to suspend collection service temporarily should snow and ice or other weather conditions or any other case of an emergency which would make it unsafe to provide service.

(2001 Code,  30‑36) (Ord. 1993‑5(a), passed 1‑12‑1993)

**30‑37 PURCHASE OF ROLL‑OUT CONTAINERS.**

Additional roll‑out containers may be purchased by residential households directly from the contractor; however, no resident shall be entitled to service on more than two roll‑out containers per pickup.

(2001 Code,  30‑37) (Ord. 1993‑5(a), passed 1‑12‑1993)

**30‑38 REPLACEMENT OF ROLL‑OUT CONTAINERS.**

The Town Manager and/or Public Works Director shall have the authority to discontinue service when a roll‑out container becomes unserviceable. Users of the containers shall take reasonable steps to ensure protection of the containers and should not willfully destroy or abuse the roll‑out containers or bulk containers. Replacement containers shall be made available by the contractor.

(2001 Code,  30‑38) (Ord. 1993‑5(a), passed 1‑12‑1993)

**30‑39 COLLECTION FROM VACANT LOTS.**

(A) No collection shall be made from vacant lots; nor shall any large rocks, tree trunks, tree stumps, tree limbs more than four feet in length or four inches in diameter or other heavy objects be collected by the contractor.

(B) Collection of yard waste from vacant lots shall be by the special request of the tenant or owner of the lots, and these wastes will be removed by the contractor strictly on a call‑in basis subject to an applicable fee. Upon notification, the contractor will schedule an appointment to deliver a vehicle for removal of the yard waste from vacant lots.

(2001 Code,  30‑39) (Ord. 1993‑5(a), passed 1‑12‑1993)

**30‑40 NOTIFICATION OF TOWN OF FAILURE OF SERVICE.**

For residential and commercial establishments, notification of failure of service and all complaints shall first be made to the contractor at the telephone number located on the bulk container or poly‑cart container or roll‑out container before notifying the Town Manager or Public Works Director.

(2001 Code,  30‑40) (Ord. 1993‑5(a), passed 1‑12‑1993)

**30‑41 COLLECTION FEES.**

(A) *Schedule of charges.* The schedule of charges for all residential and commercial establishments shall be those charges as set forth on the schedule of charges on file in the office of the Town Clerk, which schedule is incorporated in this section by reference.

(B) *Extra pickup charge.*

(1) For each commercial establishment that requires an extra pickup (additional pickup other than the scheduled pickup), there shall be an extra pickup charge in accordance with the schedule for extra pickup charges on file in the office of the Town Clerk, which schedule is incorporated in this section by reference. Extra pickup charge for a bulk container is based on the size of the container, not volume of garbage inside the container.

(2) For residential users that require an extra pickup (additional pickup other than the scheduled pickup), there shall be an extra pickup charge in accordance with the schedule for extra pickup charges for residential users on file in the office of the Town Clerk, which schedule is incorporated in this section by reference.

(C) *Shared bulk container.* If a bulk container is shared between commercial establishments, each commercial establishment shall be billed for its pro rata share. There shall be a minimum charge in accordance with the schedule of charges for shared bulk containers which is on file in the office of the Town Clerk, which schedule is incorporated in this section by reference.

(D) *Schedule.* All residential users and commercial establishments shall be billed according to the schedule of fees on file in the office of the Town Clerk.

(2001 Code,  30‑41) (Ord. 1993‑5(a), passed 1‑12‑1993)

**30‑42 RECYCLING MANDATORY.**

(A) It is the goal of the town to reduce the quantity of solid waste disposed of in or through the Robeson/Scotland County Solid Waste Management Facilities.

(B) The policy of the town is to achieve this goal by recycling programs as provided in this article and as provided by G.S.  160A‑191. As such, the recycling program, including the instructions and regulations as provided by the contractor and/or Town Manager or his or her designee, are mandatory; and the willful failure to recycle as provided in this article is a violation of this chapter.

(2001 Code,  30‑42) (Ord. 1993‑5(a), passed 1‑12‑1993)

***Statutory reference:***

*Regulation of recycling, see G.S.  160A‑317(b)(3)*

**30‑43 INTERFERING WITH COLLECTION PRACTICES.**

No person shall interfere or otherwise defer the normal solid waste collection process by tampering with solid waste containers or their contents unless by permission of the Public Works Director, nor shall any person place any hazardous waste in any collection receptacle.

(2001 Code,  30‑43) (Ord. 1993‑5(a), passed 1‑12‑1993)

**30‑44 REMOVAL OF DEAD ANIMALS.**

Owners of dead animals shall be responsible for their removal and disposal.

(2001 Code,  30‑44) (Ord. 1993‑5(a), passed 1‑12‑1993)

***Cross-reference:***

*Animals, see Ch. 6*

**30‑45 OWNERSHIP OF WASTE.**

All solid waste, including recyclable material, collected in the town by the contractor shall be delivered to the approved landfill facility, or in case of recyclable materials to the end‑use purchasers of those products.

(2001 Code,  30‑45) (Ord. 1993‑5(a), passed 1‑12‑1993)

**30‑46 INDUSTRIAL WASTE.**

Industrial waste shall be collected, removed and disposed of by the operator of the factory, plant or enterprise creating or causing it in accordance with the applicable provisions of this article.

(2001 Code,  30‑46) (Ord. 1993‑5(a), passed 1‑12‑1993)

**30‑47 BUILDING RUBBISH.**

Building rubbish from construction or demolition sites shall be collected, removed and disposed of by the building contractor or by the owner of the property. Collection by the contractor of building rubbish shall be considered as a special collection subject to applicable fees and availability.

(2001 Code,  30‑47) (Ord. 1993‑5(a), passed 1‑12‑1993)

***Cross-reference:***

*Buildings and building regulations, see Ch. 10*

***Statutory references:***

*Disposal of tires, see G.S.  130A‑309.58*

*Lead acid batteries, see G.S.  130A‑309.70*