

**ORDINANCE 2021 - 53**

**ORDINANCE UPDATE AMENDING TOWN OF WAKE FOREST CODE OF ORDINANCES  
CHAPTER 26 - SOLID WASTE**

**WHEREAS**, the Board of Commissioners adopted the Code of Ordinances Chapter 26 in 1985 and adopted updates in 2005 and in 2020;

**WHEREAS**, the current ordinance is outdated and has been updated to better align with current practices and better outline procedure and regulations regarding solid waste in addition to embracing a more sustainable collections program.

**WHEREAS**, the Board of Commissioners have reviewed the updated Chapter 26 of the Code of Ordinances; and

**NOW THEREFORE, BE IT ORDAINED** by the Wake Forest Board of Commissioners that the updates to Chapter 26 of the Code of Ordinances are approved and adopted and the changes will be effective March 11, 2022.

Duly adopted this 21<sup>st</sup> day of December 2021.

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Vivian A. Jones

Mayor

ATTEST:

APPROVED AS TO FORM:

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Sherry L. Scoggins, MMC

Interim Town Clerk

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Eric A. Vernon

Town Attorney

## Chapter 26 - SOLID WASTE<sup>[1]</sup>

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Footnotes:

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**Cross reference**— Buildings and building regulations, ch. 8; littering in cemeteries, § 12-7; trash as a nuisance, § 14-33; human waste on streets, § 14-34; utilities, ch. 32.

**State Law reference**— Municipal authority to regulate disposal of garbage, G.S. 160A-192; authority to operate solid waste disposal system, G.S. 160A-311(6); municipal solid waste responsibilities, G.S. 130A-309.09A.

## **ARTICLE I. – Residential Trash, Recycling and Yard Trimmings**

### **Sec. 26-1. Declaration of Policy**

It is the policy of the Wake Forest Board of Commissioners to protect the health, safety, and welfare of the citizens and the environment by establishing minimum standards as codified in Articles I through VI of this Chapter for the storage, collection, transportation, processing, and disposal of Solid Waste and the recovery of Recyclable Materials and other resources from Solid Waste within Wake Forest. The Director of Public Works shall make, and may from time to time alter and amend, such regulations as are expressly required by rule, statute, intergovernmental mandate or the provisions of this chapter, and may make, and from time to time alter, amend or revoke such other regulations for the application, administration, interpretation and enforcement of this Chapter as are necessary or expedient to execute and make effective its provisions; provided, no such regulations shall be in conflict with the provisions of this Code or any other ordinance or statute. The Public Works Department is given authority to prevent items banned from landfills, as set forth in N.C. Gen. Stat 130A-309.10(f) from entering the waste stream through education, press release, public notice, and/or direct enforcement including the assessment of administrative fees and civil penalties.

### **Sec. 26-2.- 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* mean refuse resulting from the burning of wood, coal and other combustible material used for residential cooking and heating purposes.

*Accumulation* means the acquisition or gradual gather of solid waste, not confined in a container intended for disposal.

*Biodegradable Paper Yard Waste Bag* means a bag that is designated for the use of yard waste containment and is biodegradable so it can be composted with such yard waste materials of which it contains.

*Brush* means any woody waste, including tree branches, small tree stumps, and large shrubs, i.e., too large to fit in a 30-gallon paper yard waste bag, all with a branch or trunk diameter of six inches or less.

*Brush Pile* means an accumulation of cuttings or dead portions of trees, brush, or bushes placed in a pile or allowed to lie randomly on the ground, not exceeding the amount needed for kindling.

*Building debris* means refuse from the construction, demolition, remodeling and repair operations on houses, commercial buildings, and other structures, including, but not limited to, excavated earth, stones, brick, plaster, lumber, concrete, trees, shrubs and waste parts generated by installations and replacements.

*Bulky waste* means large items of solid waste such as household appliances, furniture, and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.

*Commercial solid waste* means solid wastes generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial waste.

*Collection* is the act of removing solid waste or designated recyclable materials and yard trimmings from the collection point to a central collection or storage point.

*Collection Assistance Program (CAP)* means collection of Trash Carts and Recycling Carts from a specified location not at the Collection Point. This service is for residents who are physically unable to transport their carts to the Collection Point and have no one residing in their household able to transport their carts to the Collection Point. The resident must renew CAP annually. Bulk collections are not eligible for CAP.

*Collection Point* means the town-designated location where service through the Residential Collection System is provided and means the unpaved area between the street pavement and front property line of each dwelling with fronts on the public street. If none exists, the location shall be as near the edge of pavement as possible so as not to obstruct or impede the travel of pedestrians or vehicles or parking of cars. In those cases where service is provided along alleys, the Collection Point shall be adjacent to the alley, outside of all private fences and place so as not to impede vehicular traffic.

*Commercial Establishment* means any nonresidential location not otherwise exempt under federal or state law, including, but not limited to: office buildings, shopping centers, places of worship, Nonprofit Organizations, hospitals, public or private schools or universities, government buildings or agencies, public authorities, or a Commercial Tenant of any of these properties. Commercial Establishment also means the nonresidential portion of mixed-use buildings — properties that serve as a Multi-Family Property and Commercial Establishment, such as ground floor retail with upper-story residential or office uses. Home-based businesses (home occupations) are excluded.

*Construction and demolition waste* means solid waste resulting solely from construction, remodeling, repair or demolition operations on buildings or other structures, but does not include inert debris, land clearing debris, yard debris, used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete, or similar nonhazardous material.

*Contractor* means an individual, corporation or partnership performing refuse collection and disposal under contract with the town.

*Dead animal* means an animal or portion thereof equal to or more than ten pounds in weight that has expired from any cause, except those animals slaughtered or killed for human consumption.

*Disposal site* means a refuse depository, including, but not limited to, a sanitary landfill, transfer station, waste collection center licensed, permitted or approved to receive refuse for processing or final disposal.

*Dumpster* means a large capacity container designated for pickup and dumping by front-loading packers.

*Garbage* means all putrescible solid waste, including animal offal and carcasses, and recognizable industrial byproducts, but excluding sewage and human wastes.

*Front Building ~~Line~~ Line* means a straight line running between the two (2) corners of a building side facing the street frontage or the two (2) extreme edges of the building profile visible from the street frontage and extending to the property line.

*Hazardous Waste* means any waste designated by the U.S. Environmental Protection Agency or appropriate state agency as "hazardous" as defined by federal and state laws.

*Household Container* means a metal or sturdy plastic container of substantial construction which is watertight, equipped with a tightly fitting lid and carrying handles enough for safe and convenient handling. *Town issued yard waste carts may fall under this title.* Such containers shall have a capacity of not less than twenty (20) gallons nor more than forty- eight (48) gallons and shall be properly labeled to identify the contents therein. *These containers should be reusable or capable of being used multiple times.*

*Industrial Waste* means waste from factories, processing plants and other manufacturing enterprises.

*Institutional Solid Waste* means solid wastes generated by educational, health care, correctional and other institutional facilities.

*Leaf Collection Season* means that period specifically designated and published by the Department of Public Works, for the collection of loose leaves.

*Multi-Family Property* means a building, or portion thereof, designed for occupancy by three (3) or more families living independently, or a townhouse/condominium association, cooperative, etc. (with the exception of any Multi-Family Property currently contracting with a private hauler).

*Public Works Director* means the director of public works of the town, or their agent or successor.

*Recycling* means the process by which solid waste or recovered materials are collected, separated or processed, and reused or returned to use in the form of raw materials or products.

*Recyclable Material* means materials that can be recovered from the waste stream and reprocessed to be reused as a material to make new products, such as cardboard, mixed paper, metal cans, aluminum, glass, plastic, and metal items, that are identified as Recyclable Materials pursuant to the list administered by the Department of Public Works and posted on the Town website. The Public Works Director or their designee will announce 90 days prior to the addition of new materials to the list. The Public Works Director or their designee will announce 90 days prior to the deletion of existing materials from the list.

*Recycling Cart* means a wheeled container with a watertight lid provided by the *County Town* specifically for the collection of Recyclables Materials at the Collection Point

*Refuse* means solid wastes, including garbage and ashes, collected from residences, commercial establishments and institutions.

*Refuse* container means a roll-out cart which is a wheeled solid waste receptacle with a normal capacity of approximately 90 gallons, but no more than 101 gallons. Roll-out carts shall be constructed of nonmetal material and designed to be emptied by hydraulic or actuator lift mechanisms.

*Residential Collection System* means the Solid Waste collection services provided by the Town or its contractor to the properties as set forth in Chapter 26.

*Solid Waste* means any hazardous or nonhazardous garbage, refuse, 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, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities.

*Solid Waste Collector* means any person who collects, transports or disposes of solid wastes for compensation, other than one who removes refuse or solid waste from his own premises.

*Solid Waste Disposal* site means a location at which solid wastes are disposed of by any approved method.

*Source-Separate* means the act of separating materials from the Waste Stream —such as Recyclables and Yard Trimmings— for reuse or Recycling instead of disposing the materials as Trash in a landfill.

*Special Collection* means any additional collection of various items including Unbundled Brush, Household Appliances or items too large to fit in the Town-provided cart as part of the Residential Collection System. Special Collections are requested by the property owner or tenant online or by calling the Department of Public Works.

*Town issued yard waste cart* is a small (48 gallon) collection cart that has been repurposed for the use of yard waste collection and is clearly marked with a 'YW' or 'Yard Waste'. It is exclusively utilized for the intention of yard waste collections. The circumstance of this cart being utilized can only occur when the residency has at least one 96-gallon blue lid recycling cart for the intended use of recycling.

*Trash* ("Garbage," "Refuse," "Rubbish") means the materials of the Waste Stream that are disposed of at a landfill instead of Source-Separated for reuse and Recycling, including bulky wastes. Construction and Demolition Debris, Household Hazardous Materials, industrial waste, wastewater sludge, infectious waste and other hazardous waste material are excluded.

*Trash Cart* means a wheeled container with a watertight lid provided by the Town for the collection of Trash at the Collection Point.

*Unbundled Brush* means trees, tree branches, shrubby trimmings and similar plant material not exceeding six (6) feet in length and ten(10) inches in diameter.

*Yard Trimmings* means decomposable waste materials generated by general residential yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings.

Yard Trimmings shall not include roots or stumps that exceed 12 inches in diameter nor do Yard Trimmings include any materials resulting from land clearing or development activities.

(Code 1985, § 10-1)

**Cross reference**— Definitions generally, § 1-2.

### **Sec. 26-3. - Administration; Enforcement & Penalties**

#### A. Administration.

(1) This chapter shall be administered by the Director of Public Works or their designee.

#### B. Enforcement.

(1) Criminal penalty. Any person violating this Ordinance shall be guilty of a misdemeanor punishable by a fine of not to exceed \$500.00 or imprisonment for not more than 30 days, or both. Each violation and each day's violation shall be treated as a separate offense.

(2) Civil penalty. Any person who is found in violation of this Ordinance shall be subject to a civil penalty of not to exceed \$500.00. After issuance of an initial warning, shall be subject to a civil penalty. Each violation and each day's violation shall be treated as a separate offense.

(3) Fees for removal of items that are improperly disposed of may be subject of a miscellaneous bill administered by the Town of Wake Forest.

(4) Any person who does not properly dispose of Solid Waste may be assessed the cost of such disposal.

(5) Other remedies. This Ordinance may be enforced by equitable remedies and any unlawful condition existing in violation of this Ordinance may be the subject of an injunction or order of abatement.

### **Sec. 26-4. Participation in the Town Residential Collection System**

A. The owner or occupant of each single-family and duplex dwelling as defined in Chapter 17 of the Unified Development Ordinance is required to participate in the Town's Residential Collection System. The Town shall collect the Trash, Recyclable Materials, and Yard Trimmings from each dwelling participating in the Town Residential Collection System weekly. The owner or occupant of the dwelling shall pay the fees provided for in Sec 26-5 of this chapter. All participants in the Town Residential Collection System are eligible for one (1) Trash, one (1) Recycling, and one (1) Yard Waste Cart as part of the base Residential Collection System fee. Up to one (1) additional Trash Cart, and/or one (1) Recycling Cart, ~~or Yard Waste Carts~~ (for a total of two (2) may be requested at a charge as set forth in the chapter, for a maximum total of five (5) carts.



1. The Public Works Director or their designee is authorized to make exceptions based on safety or health considerations.

2. Home occupations as defined in Chapter 17 of the Wake Forest Unified Development Ordinance that generate the minimum amount of Solid Waste are eligible to receive Trash, Recycling and Yard Trimmings collection through the Residential Collection System. Home occupations are not eligible for special collections such as bulk and large limb collection.

B. If a Town collection truck enters a private street to collect Trash, Recyclable Materials, or Yard Trimming, the street must be constructed according to Town of Wake Forest Public Works Standards and Specifications and must be at least fourteen (14) feet wide excluding the space taken up by parked cars. Residents on private street that do not meet the Town standards shall bring their Trash, Recyclable Materials, and Yard Trimming to the nearest designated Collection Point accessible to Town collection trucks to be eligible to continue to participate in the Town Residential Collection System.

C. The owners or occupant of each townhome dwelling as defined in the Wake Forest Unified Development Ordinance Chapter 17 will be required to participate in the Residential Collection system, provided:

1. Each dwelling is individually metered for water;
2. There is adequate space so that the collection truck can turn around without backing onto or off of a street;
3. Parking is arranged so that Trash, Recyclable Materials, and Yard Trimmings need not be carried between parked cars;
4. If it is necessary for the collection truck to enter a private street, the street is constructed according to Town Standards and Specifications
5. The street is at least fourteen (14) feet wide excluding the space taken up by parked cars;
6. The Public Works Director or their designee is authorized to establish reasonable procedures that allow for exceptions based on safety or health considerations or a determination that the use of Trash and/or Recycling Carts are not feasible or useable or the townhouse of townhouse development.

D. Any townhome/condominium association, cooperative, etc. or other residential dwelling that is not required to participate in or is exempt from participating in the Wake Forest Residential Collection System shall be treated as Multi-Family property and is subject to Article IV of this Chapter.

#### **Sec. 26-5. - Service fees**

- A. The Town may charge fees for collection and disposal of refuse as set out in the list of fees and charges, as amended from time to time, by the Board of Commissioners.
- B. The Town finance director shall have responsibility for billing and collecting the fees due to the town under the provisions of this Chapter and shall have full authority to pursue all available civil remedies against those who fail to make payments required by this Chapter.
- C. Fees for services may be billed each month as a part of the regular utility billing process.
- D. Any property owner, ~~whom~~ who is assessed a fee, may file a notice of exception with the Tax administrator. The notice of exception should include documentation supporting the property owner's reason for the notice of exception.
- E. Residents requiring replacement of a Town-provided cart due to damage caused by the resident or their agent shall be charged a fee of sixty dollars (\$60.00) for the replacement cart.
- F. Effective July 1, 2021, there is a limit on bulk collections imposed at two collections each ~~fiscal~~ calendar year. Each additional request shall result in a fee of (\$50.00) for the disposal of each bulk collection.

(Code 1985, § 10-5)

#### **Sec. 26-6. - Limitation of Service**

All refuse not prepared and handled in accordance with the provisions of this chapter shall not be collected by the town or its agents.

(Code 1985, § 10-11)

#### **Sec. 26-7. – Storage, Removal, and Maintenance**

Every owner and occupant or other person in control of any building or land in the town, including vacant property, shall keep such building or land in a clean and orderly condition, and shall dispose of Refuse in accordance with the provisions of this chapter.

- A. Storage Generally. No owner, occupant, tenant or lessee of any property may deposit, store or permit to accumulate any Solid Wastes upon his property outside of the dwelling unit, that is not stored or disposed of in a manner that exemplifies good sanitation practices.
- B. Responsibilities of owners and occupants of dwellings required to participate in the Town Residential Collection System (Sec 26-4).
  - a. It shall be the responsibility of the owner, occupant, tenant or lessee of each dwelling required to participate in the Town Residential Collection System to adhere to the following practices:

i. Remove all Solid Wastes from his property before harborage of such waste creates a health hazard. Store materials in a manner that will resist harborage to rodents and vermin and will not create a fire hazard. Regulated refuse under this subsection includes but is not limited to lumber, boxes, barrels, bottles, cans, tires, paper, cardboard, rags, old furniture and other bulky waste, and white goods.

ii. Trash shall be placed at the Collection Point in Town-provided Trash Carts.

iii. Oversized bulky Trash items that are too large to be bagged or placed in a cart such as furniture, mattresses, or box springs may be placed at the Collection Point as long as the item is scheduled for Collection in advance as set forth in Sec. 26.8.

iv. Recyclable Materials shall be placed loose in Town-provided recycling carts, must be separated from Trash and Yard Trimmings and placed at the Collection Point.

v. Large brush and bulky materials collection shall be placed at the Collection Point only when arrangements for collection have been made with the Department of Public Works.

b. The Collection Point must be placed at ground level, within two feet of the curbside and at least three feet away from each other obstacles such as mailboxes, telephone poles, automobiles, bulky waste, trees, etc., or in a location specified by Public Works.

i. Collection Assistance Program- Exemptions to curbside requirements

1. Upon completion of an application for Collection Assistance Program by a resident, including a Physician's Statement and address for the dwelling at which they reside, the following person shall receive assistance for pickup of garbage and recycling only:

a. Residents who have a permanent disability and there is no able-bodied person residing with them who can move the containers to the curb; and

b. Residents who have a temporary disability and there is no able-bodied person residing with them who can move the containers to the curb.

Both the trash and recyclable materials must be serviced from the house ~~in order~~ for the resident to qualify for Collection Assistance Program. Residents who do not have a completed application on file are not eligible. Preparation must be in accordance of this chapter. Collection will not occur on porches, behind fences or gates, in garages, up steps, on decks, or maneuver over terrain that creates topographical problems that make collection unsafe. Keep animals secure or in the dwelling on the day of scheduled collection when Collection Assistance

Program (non-curbside) is provided. The Public Works Director or their designee shall confirm the eligibility of residents requesting service prior to providing service. Residents may be subject to an audit ~~in order~~ to verify eligibility. Service may be revoked if it is determined by the Public Works Director that the resident no longer qualifies. Yard Waste Collection is not included in the program. Enrollment will renew annually pending a successful audit.

c. All Trash, Recyclable Materials, and Yard Trimmings shall be place at the Collection Point no sooner than 5:00 p.m. the day prior to, nor later than ~~6:00 a.m.~~ 7:00 a.m. of the day of scheduled collection. Any Trash, Recyclable Materials, or Yard Trimmings left uncollected due to late placement at the Collection Point, improper preparation or prohibited materials shall be removed from the Collection Point not later than twenty-four hours after the scheduled collection.

d. Town-provided carts are property of the Town. All carts and Household Containers shall be removed from the Collection Point and returned to their normal storage location within twenty-four (24) hours after the day of scheduled collection. Normal location shall mean a regular place of keeping not in front of the dwelling and/or behind the Front Building Line that faces any Town street, unless there is fencing or landscaping that screens or shields the containers from general view from the street.

e. Maintain carts and Household Containers in a serviceable and sanitary condition. If the Town determines a Household Container to be unserviceable (including, but not limited to, cracked, rusted, dented/damaged), the Town shall inform the owner or occupant by placing a notification tag on the Household Container. If the same Household Container is used in the future, it shall be collected for disposal with the regular Trash or Recyclable Materials. If a Town-provided cart is determined by the Town or owner or occupant to be unserviceable (included, but not limit to, not watertight, no lid, presence of a hole or crack in the body of lid larger than one (1) inch), the Town may repair or replace the cart.

f. Place loose leaves out for collection during the designated Leaf Collection Season in accordance with the Town's published vacuum collection schedule.

g. At occupant's expense, privately dispose of:

i. Building material such as brick, masonry block, rock, dirt, large quantities of drywall, or sand.

ii. Building materials not prepared in accordance with this Code and any building materials resulting from work performed by a person in the course of business

iii. Trees, tree branches, shrubbery or other plant material that exceed six (6) feet in length or ten (10) inches in diameter or that are the result of the clearing of multiple trees from a property

C. Failure to adhere to the storage, removal, and maintenance provisions:

a. The Town may, if the storage, removal and maintenance provisions of Sec. 26-7 are not adhered to, have such storage, removal, and maintenance provision violations corrected by the Town's agents or employees and the cost thereof shall be charged to and paid by the owner or occupant of such property in the same manner as the Solid Waste Fee charge is imposed.

b. In the event that Trash, Recyclable Materials, or Yard Trimmings placed at the Collection Point are not eligible for collection or are improperly prepared for collection and are not removed from the Collection Point in the manner and timeframe specified above, then the Town may cause such to be removed, and a removal fee of three hundred dollars (\$300.00) plus the cost of any applicable disposal charges shall be assessed and added to the next Solid Waste User Fee charge for the property. The Town will not undertake any such removal action until the Town had posted a notice of violation at the Collection Point or dwelling describing the violation(s) and corrective action(s) required, which shall include a period of forty-eight (48) hours to remedy the violation(s). The forty-eight (48) hour period may be waived by the Public Works Director or their designee for reasons of public health or safety or the environment.

D. (Code 1985, § 10-31; Ord. No. 2005-52, 10-18-2005)

## **Sec. 26-8. – Special Collections**

### **~~E~~. A. Bulk Collections**

a. Collection service for Bulky Waste must be scheduled with the Town before collection can occur. Any person requesting collection service for Bulky Waste must obtain a date for collection from the Town.

b. Bulky Waste shall be placed at the curbside no earlier than the day before the collection day.

c. Bulky Waste must be placed at ground level, within six feet of the curbside and at least three feet away from each other or other obstacles such as mailboxes, telephone poles, automobiles, trees, etc., or in a location specified by the department head. A person should use reasonable care and caution when placing bulky waste and junk along the curbside and should avoid interfering with the access to or denying the use of a sidewalk by others.

d. No collection service for Bulky Waste will be provided for: Apartment complexes, businesses, or any other property that utilizes a dumpster, compactor or similar device for garbage collection purposes. In addition, it is not available for rocks, dirt, building materials, loose leaves, tree stumps, car parts, tires, chemicals or paints.

e. Fees for Service: Two free collections ~~each~~ per calendar year will occur for each account holder by address. Additional collections in a year will result in a \$50 charge.

f. Bulk waste collection does not apply for yard waste, move outs, or collections for evictions or large clean outs.

**F. B. Large Brush Collection**

a. Collection service for Large Brush must be scheduled with the Town before collection can occur. Any person requesting collection service for large brush must obtain a date for collection from the Town.

b. Brush shall be placed at the curbside no earlier than the day before the collection day.

c. Brush must be placed at ground level, within six feet of the curbside and at least three feet away from each other or other obstacles such as mailboxes, telephone poles, automobiles, trees, etc., or in a location specified by the department head. A person should use reasonable care and caution when placing brush along the curbside and should avoid interfering with the access to or denying the use of a sidewalk by others.

d. Tree limbs and brush too large for placement into plastic bags or containers shall not be more than ten (10) feet in length nor larger than six (6) inches in diameter. Tree limbs or tree trunks in excess of four inches in diameter shall be cut into sections not to exceed 75 pounds in weight.

**Sec. 26-9. – Recyclable Materials**

All Recyclable Material should be separated from other solid waste and made available for recycling. Recyclable Material should not be mixed with or disposed of with other solid waste. Recyclable Material should consist of items listed in Section 26.2 of this Chapter

**Sec. 26-10 - Trash collection.**

Preparation. Small items shall be bagged, bundled and placed in standard refuse containers.

(Code 1985, § 10-13)

**Sec. 26-11. – Yard waste collection.**

Back yard composting is considered a preferred means of waste reduction in the residential community. Residents are urged to separate compostable materials from their waste streams for composting.

A. *Quantity.* Subject to the availability of equipment and to the provisions of this section, the maximum quantity of yard waste which will be collected per week shall be a combination of biodegradable paper yard waste bags and no more than ten (10) household containers, not to exceed ~~twenty thirty (20) (30)~~ total. Brush items ~~Items~~ not contained in biodegradable paper

yard waste bags or household containers shall be scheduled in advance as outlined in Sec. 26-9-8.

*B. Preparation.*

(1) ~~Yard waste shall be placed in clear plastic bags-~~ Yard waste shall be placed in biodegradable paper yard waste bags, town issued yard waste carts that are clearly marked with a 'YW' or 'Yard Waste', or reusable Household Containers.

(2) Leaf Collection will occur on a schedule set forth by the Public Works Director. Residents may place leaves, not ~~in containers contained~~, in piles at the back of the curb for collection. Leaves must be free of other yard waste, refuse and debris.

*C. Special provisions.*

(1) Yard waste shall be kept separate from and shall not be mixed with other refuse.

(2) No stumps or logs shall be collected or disposed of by the town.

(3) Burning of yard waste is regulated by Chapter 16 of this Code.

(Code 1985, § 10-14; Ord. No. 2005-52, 10-18-2005; Ord. No. 2015-34, 12-15-2015)

**ARTICLE II. – Litter and Condition of Private Property**

**Sec. 26-12. - Refuse container on public places.**

No refuse container shall be placed or left upon any sidewalk, street or public place in the Town by the owner, manager, agent or lessee of the property, except where specifically permitted by this Chapter.

(Code 1985, § 10-44)

**Cross reference**— Streets and sidewalks, ch. 28.

**Sec. 26-13. - Littering.**

It shall be unlawful for any person to throw, drop or deposit or cause to be thrown, dropped or deposited any waste on any street, public right-of-way, public place, catch basin, manhole or other public structure. This section also applies to depositing waste from a vehicle.

**Sec. 26-14. - Dumping on private land.**

It shall be unlawful for any person to throw, drop or deposit or cause to be thrown, dropped or deposited any waste on any vacant or occupied land in the town. This section does not apply to properly permitted landfills or permitted filling and grading operations.

**Sec. 26-15. - Unlawful Littering.**

(a) No vehicle shall be driven or moved on any street or road within the town's jurisdiction unless the vehicle is constructed and/or loaded to prevent any of its load from falling, blowing, dropping, sifting, leaking or otherwise escaping therefrom.

~~(a)~~ (b) Violation of this section shall be subject to punishment under Sec. 26-3 of this Code. The operator of any vehicle found to have an unsecured load pursuant to subsection (a), above, shall be presumed to have committed the offense.

(Ord. No. 2007-23, 4-17-2007)

(Code 1985, § 10-47)

**Sec. 26-16. - Building Debris.**

Building debris shall be collected, removed and disposed of by the builder or, in the event of failure by the builder to dispose of such building debris, the owner of the property shall dispose of such building debris in accordance with applicable provisions of this Code.

(Code 1985, § 10-48)

**Cross reference**— Buildings and building regulations, ch. 8.

**Sec. 26-17. - Restricted collections.**

In addition to any other provisions of this chapter restricting waste to be collected, transported or disposed of by the town, the town shall not collect, transport or dispose of the following:

- (1) Industrial wastes.
- (2) Hazardous wastes.
- (3) Vehicle tires.

(Code 1985, § 10-49)



**Sec. 26-18. - Unlawful disposal.**

It shall be unlawful for any person to deposit any and all refuse originating, transported or collected from locations outside of the corporate limits of the town in or near waste containers for the purpose of disposal, except when approved by the public works director.

(Code 1985, § 10-50)

(Code 1985, § 10-15; Ord. No. 2016-14, 7-19-2016)

**Sec. 26-19. - Adequate containers.**

Every person producing or having refuse shall provide and keep on the premises or property occupied or used by them sufficient refuse containers or dumpsters to handle all accumulation of refuse in the interval between collections on such premises or property.

(Code 1985, § 10-43)

(Code 1985, § 10-45)

(Code 1985, § 10-46)

(Code 1985, § 10-12; Ord. No. 2005-52, 10-18-2005)

(Code 1985, § 10-2)

**Cross reference**— Administration, ch. 2.

(Code 1985, § 10-3)

**ARTICLE III. - COLLECTION AND DISPOSAL**

(Code 1985, § 10-41)

**Sec. 26-20. - Private collectors.**

No individual, firm or organization shall engage in the business of collecting, transporting or disposing of any waste within the town limits without first obtaining a privilege license to do so from the town. Licenses may be granted if the Public Works Director finds that the applicant for the license has the adequate equipment, plans and resources to ensure the sanitary collection and disposal of the waste.

(Code 1985, § 10-4)

(Code 1985, § 10-6)

Secs. 26-7—26-35. - Reserved.

**Sec. 26-21. - Refuse & Recycling container condition.**

Any refuse container that does not conform to the provisions of this chapter, or that has ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall not be used for holding refuse intended for collection, but must be promptly replaced with a proper container.

(Code 1985, § 10-42)

**Article IV. - COMMERCIAL AND CERTAIN MULTIFAMILY RESIDENTIAL SERVICE****Sec. 26-22. - Availability.**

All multifamily residential (greater than four units total), office, institutional, educational, commercial and industrial uses shall have common collection facilities and collection must be contracted with a private hauler. The following are exceptions to this requirement:

a. Municipal Service Area

i. Businesses in the Municipal Service Area may use Town-provided dumpsters for trash and recyclable materials in designated areas.

ii. A sealed trash compactor may not be used to dispose of hazardous waste, fats, oils and grease from nonresidential establishments, bulk items, brush, lawn rakings, non-collectable items, or other refuse

iii. Collection Schedule, frequency and locations will be determined by the Public Works Director in coordination with Downtown Development.

iv. Items left outside of designated dumpsters will be subject to penalties as outlined in Sec. 26-4.

v. Town-provided dumpsters located on private property will be subject to maintenance and service agreements.

(Code 1985, § 10-21)

**Sec. 26-23. Requirements for Trash and Recyclable Materials to be Collected**

A. All Commercial Establishments and Multi-Family Properties shall provide for the private collection, and disposal of all Trash and Recycling at least weekly, unless given written exemption by the Director of Public Works or their designee, and adhere to the following requirements:

a. Provide enough Trash Containers for the storage of Trash. Trash Containers shall be appropriately sized and clearly distinguished from Recycling Containers used for Source-

Separated materials through the use of labels or other markings. Trash Containers located on the exterior of a property shall be covered or otherwise secured to prevent the contents from blowing, leaking, or spilling. All Trash Containers shall be emptied frequently enough to prevent their contents from overflowing.

b. Maintain all Trash Containers in a sanitary and serviceable condition, meaning containers must be leak proof and have properly functioning doors and lids.

c. Place exterior containers in enclosure as outlined in Chapter 8 of the Unified Development Ordinance.

#### **Sec. 26-24. - Container maintenance.**

Each user required to provide dumpsters shall:

- (1) Keep the dumpsters maintained in a good operating condition;
- (2) Keep the exterior of the dumpsters painted and free from rust and graffiti;
- (3) Ensure that the area around the dumpster is kept free from refuse and litter; and
- (4) Provide adequate access to the dumpster for collection equipment.

(Code 1985, § 10-22)

#### **Sec. 26-25. - Shared container.**

With the approval of the Public Works Director, dumpsters may be shared when users are in close proximity to each other, the volume of refuse generated allows sharing or availability of space for placement of a dumpster is restricted.

(Code 1985, § 10-23)

#### **Sec. 26-26. - Restrictions.**

No person shall engage in business as a solid waste collector except under a license issued by the county pursuant to this section.

Dumpsters shall be used only for the collection and disposal of refuse defined as Garbage or Trash. It shall be unlawful for anyone to place restricted materials in a dumpster. The following materials shall not be placed in a dumpster:

- (1) All refuse originating, transported or collected from locations outside of the corporate limits of the town.
- (2) Yard waste.
- (3) Dead animals.

(4) Bulky items.

(5) All waste not collected by the town, including, but not limited to, hazardous waste, industrial waste and building debris.

(Code 1985, § 10-24)

Secs. 26-95—26-125. - Reserved.

**Sec. 26-27. – Recyclable Collection.**

(a) *Frequency of service.* Subject to the limitations of this section as to the quantities of recyclable materials handled and the types of service, and subject to the availability of resources, recyclables material shall be collected weekly.

(b) *Preparation.* Recyclable materials shall be placed in a recyclable container free of food and liquid contamination. Nonrecyclable materials placed in the container shall not be collected.

**Sec. 26-28. - Convenience centers.**

The town may provide convenience centers for mass collection of recyclable materials. Types of materials collected shall be determined by the public works director based on market demand and statutory requirements. The Public Works Director shall determine location of centers. It will be unlawful to place contaminated or nonrecyclable materials into the containers. Materials should be free of food and liquid contamination prior to placement in the containers.

(Code 1985, § 10-32)

**Sec. 26-29. - Commercial collection.**

All office, institutional, educational, commercial and industrial uses shall have recyclable collection as mandated by state or local requirements. The town may provide such service when the Public Works Director determines that it is the most efficient and effective means for such collection, and shall determine the method of service.

(1) *Container.* Each user required to provide containers shall:

- a. Keep the container maintained in a good operating condition;
- b. Keep the exterior of the container painted and free from rust and graffiti;
- c. Ensure that the area around the container is kept free from refuse and litter; and
- d. Provide adequate access to the container for collection equipment.

(2) *Shared container.* With the approval of the Public Works Director, containers may be shared when users are in close proximity to each other, the volume of recyclables generated allows sharing or availability of space for placement of containers is restricted.

(3) *Restrictions.* Containers shall be designated for the collection and disposal of recyclable materials only. It shall be unlawful for anyone to place any other refuse or material in such containers.

(Code 1985, § 10-33)