

ORDINANCE NO. 2024 598

**AN ORDINANCE TO AMEND THE SOLID WASTE SERVICES REGULATIONS OF
THE CITY OF RALEIGH**

WHEREAS, the Raleigh City Council desires to amend the Solid Waste Services regulations of the City of Raleigh.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Part 7, Chapter 1, Sec. 7-1002(a) of the Raleigh Code of Ordinances shall be amended to add the underlined language where noted below, and to delete the language shown as stricken through:

Sec. 7-1002. FUNCTIONS AND DUTIES OF THE DEPARTMENT.

The functions and duties of the Department of Solid Wastes Services shall include the following:

- (a) Collecting solid waste, recycling, and yard waste, from qualifying residential and ~~commercial non-residential establishments~~ properties, operating sanitary landfills, and other approved facilities, for disposal of solid waste, recycling, and yard waste, generated within the corporate limits of the City of Raleigh.
- (b) Supervising and controlling access to rental landfill.
- (c) Administering recovery and/or sale of reusable materials.
- (d) Removing dead animals during normal working hours.
- (e) Reviewing and approving collection, and disposal management plans or practices, to ensure the protection of the environment, public health, public safety, general welfare, quality of life, and sustainability throughout the City.
- (f) Requiring removal, abatement, or remedying nuisances, including, but not limited to, requiring modifications to refuse management, storage collection methods, point of collection, path of collection, or disposal plans.
- (g) Requiring, approving, or allowing modifications or alternate collection plans by the Director or the Director's designee, after investigation and determination, that the modifications or alternate collection plans will remedy a nuisance, prevent a circumstance that may create a nuisance, protect the environment, have a positive impact on quality of life or remedy repeated violations of the Raleigh City Code. In addition, the modifications or alternate collection plans must be based on sound collection, safety, compliance, enforcement, sustainability, and risk management principles.
- (h) Ensuring that the manner of collection, the means of collection, or collection storage device(s) do not endanger the safety of Solid Waste Services employees.
- (i) Approving alternative methods of collection if they have no negative impact on employee safety, public health, and public safety.

Section 2. Part 7, Chapter 2, Article A, Sec. 7-2001, of the Raleigh Code of Ordinances shall be amended by shall be amended to add the underlined language where noted below, and to delete the language shown as stricken through:

Sec. 7-2001. DEFINITIONS.

As used in this chapter, the following terms shall have the meanings ascribed to them, respectively.

- (a) **Ashes.**
Refuse resulting from the burning of wood, coal, coke, and other combustible material.
- (b) **Building rubbish.**
Rubbish from construction, remodeling, and repair operations on houses, commercial buildings, and other structures, including but not limited to stones, brick, plaster, lumber, concrete, and waste parts occasioned by installations and replacements.
- (c) **Combustible refuse.**
Refuse, capable of incineration or burning, such as garbage, paper, rags, boxes, and wood.
- (d) **Contamination.**
The presence of unacceptable or prohibited materials in a garbage, recycling, or yard waste receptacle that impedes proper disposal or causes reusable materials to be landfilled.
- (~~d~~) **Garbage.**
Animal and vegetable refuse resulting from the handling, preparation, cooking, and consumption of food, including a minimum amount of liquid necessary incident thereto.
- (~~e~~) **Industrial waste.**
Waste from factories, processing plants, and other manufacturing enterprises.
- (~~g~~) **Loose Leaves.**
Unsecured Leaves placed curbside for collection by the City of Raleigh Transportation Department's seasonal leaf collection program.
- (~~h~~) **Noncombustible refuse.**
Refuse not capable of incineration or burning, such as ashes, tin cans, metals, mineral matter, crockery, and glass.
- (~~g~~) **Nuisance.**
Any condition that is dangerous, hazardous, detrimental, or can have a negative impact on public health, public safety, quality of life, or general welfare of the City.
- (~~h~~) **Person.**
Individual, firm, partnership, association, institution, corporation, municipalities and other political subdivisions, and governmental agencies.
- (~~ik~~) **Refuse.**

Solid waste, including but not limited to garbage, rubbish, ashes, and yard waste.

(jl) Regulations.

Regulations of the City Manager of the City, now or hereafter in effect, promulgated under this chapter or other authority.

(km) Rubbish.

Refuse (exclusive of garbage and ashes) including but not limited to paper, rags, cartons, boxes, wood, excelsior, tires, rubber, leather, tin cans, metals, mineral matter, glass, crockery, and dust, except for dust incidental to excavated earth.

(ln) Sharps.

Needles, syringes with attached needles, capillary tubes, slides, and cover slips.

(mo) Waste.

Useless, unused, unwanted, or discarded materials resulting from natural community activities, including solids, liquids, and gases. Clean excavated earth shall not be considered waste material for the purpose of this Part.

(np) White goods.

Residential appliances limited to washing machines, clothes dryers, stoves, ranges, ovens, refrigerators, freezers, dishwashers, and water heaters.

(oq) Yard Waste.

Vegetative trimmings from flowers, house plants, yards, or other landscaped areas, consisting only of leaves, grass clippings, plants, small brush, hedge clippings, ~~Christmas Trees~~, small limbs, and dry seed pods, but excluding flocked trees, noxious weeds, and toxic plants.

Section 3. Part 7, Chapter 2, Article B, Sec. 7-2005 of the Raleigh Code of Ordinances shall be amended by to add the underlined language where noted below, and to delete the language shown as stricken through:

Sec. 7-2005. PRECOLLECTION PRACTICES, REMOVAL OF RUBBISH, REFUSE, RECYCLING, YARD WASTE, AND OTHER WASTE.

The following standards and requirements shall be imposed on the preparation and handling of waste prior to collection by the City. Improperly prepared refuse, recycling, or yard waste, shall not be collected. Any person, who is the owner, occupant, tenant, or otherwise has any possessory control of any premises, building, or land in the City, including vacant property, who improperly prepares refuse, recycling, or yard waste, or who mixes or contaminates refuse, recycling, or yard waste, shall be subject to enforcement in accordance with Raleigh City Code Sections 7-2002.2 and 7-2002.3.

(a) Preparation of refuse, recycling, and yard waste.

- (1) Garbage must be placed in refuse containers and must always be stored within the container at all times.

- a. All garbage must be bagged before being placed in refuse containers used to collect garbage. Loose garbage or garbage that cannot be bagged must not be placed in containers.
 - b. Yard waste, recycling, or other unacceptable items must not be placed in containers used for garbage.
 - c. Solid Waste Services will not collect garbage placed outside of a container without an authorized Special Collection pick up.
 - d. Solid Waste Services will not collect improperly prepared garbage.
 - e. Garbage container lids must be closed. Garbage cart lids that are open 12 inches or less, will be considered closed for purposes of this Part.
- (2) Recycling must not be mixed with garbage, yard waste, or other items.
- a. Recycling must be placed in approved recycling containers. No recycling material must be placed outside the container.
 - b. Recycling must not be bagged. Only loose recycling must be placed in recycling containers.
 - c. Recycling container lids must be closed. Recycling cart lids that are open 12 inches or less, will be considered closed for purposes of this Part.
- (3) Properly prepared yard waste will be collected in the manner described below.
- a. Yard waste may be properly prepared for collection by using any of the following three (3) methods. Any, or all, of the 3 methods may be used on collection day.
 - 1. Place yard waste in a City-issued, bright green, ninety-five (95) gallon container (yard waste cart). Yard waste cart lids must be closed. Yard waste cart lids that are open 12-inches or less, will be considered closed for purposes of this Part. ~~Only one (1) City-issued yard waste cart may be placed at the collection point on collection day. Additional City-issued yard waste carts cannot be purchased.~~
The City shall provide one (1) approved container for yard waste collection. Should this be insufficient storage between collections, the resident may request 1 additional yard waste container for a one-time fee, and a recurring monthly fee, for continued curbside collection of the second container.
 - 2. Place yard waste in biodegradable paper bags. A maximum of fifteen (15) yard waste bags may be placed at the collection point on collection day.
 - 3. Place yard waste in bundles. Yard waste bundles must be tied with natural materials, including without limitation, natural twine, rope, or fiber, and must be no longer than five (5) feet in length, eighteen (18) inches in diameter, and no heavier than fifty (50) pounds. A

maximum of 5-yard waste bundles may be placed at the collection point on collection day.

- b. The collection points for properly prepared yard waste are either the curb line at the street, at the area between the sidewalk and the curb, or a point of collection otherwise authorized by the Solid Waste Services Director, or the Director's designee.
 1. Yard waste may be placed at the collection point no earlier than 6:00 a.m. on the day before the designated day for collection.
 2. Yard waste must not block any street or public right-of-way.
 3. Yard waste must be at least five (5) feet from other objects.
 4. Containers, bags, or bundles must not be blocked or too close to other objects.
 5. Collection crews must have direct access to yard waste for safe and effective collection.
 - c. Yard waste collection day will occur pursuant to a published schedule, as determined by the Director of Solid Waste Services.
 - d. Solid Waste Services will not collect yard waste in the following instances.
 1. Yard waste will not be collected from contractors.
 2. Yard waste will not be collected from ~~non-residents~~ non-residential properties that do not qualify for garbage and recycling services.
 3. Yard waste will not be collected from community properties or properties maintained by Homeowners Associations (HOAs) or property management companies.
 4. Yard waste will not be collected from parks, pools, parking lots, or other common areas that are not owned by a resident or tenant.
 - e. Solid Waste Services will not collect improperly prepared yard waste. In addition, Solid Waste Services will not collect yard waste that is mixed with household items, garbage, or recycling, or yard waste that is mixed with any other item that is unacceptable for disposal at the City's Yard Waste Center (contaminated yard waste). Any person, who is the owner, occupant, tenant, or otherwise has any possessory control of any premises, building or land in the City, including vacant property, who improperly prepares yard waste, or who mixes or contaminates yard waste, shall be subject to enforcement in accordance with §§ 7-2002.2 and 7-2002.3.
- (4) No person shall burn leaves, shrubs, tree limbs, and the like on the streets or sidewalks or on private property except upon special permission of the Chief of the Fire Department.
 - (5) ~~Building rubbish, construction and/or demolition material, or any material not collected by the Solid Waste Services Department, or associated with dwelling alterations inside or outside of the dwelling, shall not be collected, removed, and~~

~~disposed of by the contractor or builder, or in event of their failure by the any person, who is the owner, occupant, tenant, or otherwise has any possessory control of the any premises, building, or land in the City, including vacant property, in accordance with applicable provisions of this code and with regulations not in conflict therewith promulgated by the City Manager.~~

Building rubbish, and demolition material, shall not be collected by the Solid Waste Services Department. The contractor or any person who has control of the premises, building, or land, including vacant land, is responsible for proper disposal.

(b) Refuse and recycling containers.

- (1) All refuse or recycling containers shall conform to the standards described in City Code, other forms of communication produced by the Solid Waste Services Department, or the Solid Waste Collection Design Manual, as amended, on file in the City Clerk's Office and must be fully compatible with the City's collection equipment.
 - a. Alternate means and devices may be approved by the Solid Waste Services Director or the Director's designee to remedy limitations to standard collections and/or as a remedy of anything that is dangerous, or harmful to the quality of life, public health, or public safety.
 - b. Alternate methods or means of collection may include, but not be limited to, storage, collections methods, point of collection, path of collection, or disposal plans. Remedies, modifications, and/or alternate collection plans must be based on sound collection, safety, compliance, enforcement, sustainability, and/or risk management principles.
- (2) Dwellings eligible for individual unit collection will be provided one (1) ninety-six (96) gallon or smaller roll-out container, dark green in color if possible. The size of the container shall be as determined by the Solid Waste Services Director or designee. In the event that one container is insufficient, a person, who is the owner, occupant, tenant, or otherwise has any possessory control of any premises, building or land in the City, including vacant property, may purchase one additional ninety-six (96) gallon roll-out container from the City. Individual units may place no more than two roll-out garbage containers at the curb for garbage pick-up.
- (3) A person who is the owner, occupant, tenant, or otherwise has any possessory control of any premises, building or land in the City, including vacant property, is responsible for the maintenance of refuse, recycling, and yard waste containers. 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 persons collecting the contents thereof, shall not be used for holding refuse intended for collection, but must be promptly replaced by a proper receptacle. Additional or replacement containers must be purchased. Solid Waste Services will only replace containers that have been damaged by collection crews.
- (4) Every person producing or having refuse shall provide and keep on the premises or property occupied or used by him sufficient refuse containers to handle all

accumulation of refuse on such premises or property in the interval between collections by the Solid Waste Services Department.

- (5) ~~Any person may have leaves removed by the City if such leaves are placed in the parkway between the curb and the sidewalk, or where there are no curbs and sidewalks, just by the roadside, so they may be easily handled by the collector. No tree limbs, shrubs or other material shall be mixed with leaves.~~

During seasonal loose leaf collection periods, as designated by the City's Transportation Department, qualifying City residents may deposit loose leaves at the curb for collection in accordance with the Transportation Department's seasonal loose leaf preparation guidelines. The City's loose leaf collection program is managed by the City's Transportation Department. At all other times during the year, or for collection by the Solid Waste Services Department, leaves shall be prepared in accordance with Sec. 7-2005(a)(3).

- (6) No person shall throw, drop or deposit any leaves, shrubs, or other debris into any catch basin or manhole in the City.
- (7) Every dwelling unit shall have adequate garbage and rubbish storage facilities the type and location of which are approved by the Solid Waste Services Director.

(c) Storing of refuse, recycling, and yard waste.

- (1) Every person, who is the owner, occupant, tenant, or otherwise has any possessory control of any premises, building or land in the City, including vacant property, shall keep the same in a clean and orderly condition, free of all nuisances, obstructions, and/or any condition that is harmful to public health, public safety, general welfare, quality of life, or general integrity of the City.
- a. Refuse, recycling, yard waste, and other waste for collection must be stored in collection devices that prevent nuisances or create conditions that are harmful to public health, public safety, or general welfare.
 - b. All storage and/or collection devices must be in accordance with the provisions of this chapter, the Solid Waste Collection Design Manual, as amended.
 - c. Hazardous, combustible, and noncombustible refuse shall be stored in containers that protect the public and natural environment.
 - d. Every person, who is the owner, occupant, tenant, or otherwise has any possessory control of any premises, building or land or land in the City, including vacant property, and any area abutting any right of way or street in the City, who violates these storage provisions, shall be subject to enforcement in accordance with Raleigh City Code Sections 7-2002.2 and 7-2002.3.
- (2) No person shall throw, drop or deposit, or cause to be thrown, dropped or deposited on any land in the City (vacant or occupied) any waste (including but not limited to refuse, garbage, ashes, rubbish, building rubbish, dead animals, putrescible matter, and anything injurious to health); provided, however, the prohibition contained in this subsection shall not apply to the deposit of waste not injurious to health on a

public dump where permission to make such deposit is granted by the Solid Waste Services Director nor to the filling in or grading of property with earth, mud, ashes and similar materials.

(d) Points of collection.

- (1) Refuse, recycling, yard waste, and other waste for collection, to be collected by the Solid Waste Services Department shall be placed at the curb, edge of property abutting the street, alley or other City-approved location of the property from which it was generated.
 - a. Alternate points of collection may be approved on a case-by-case basis by the Solid Waste Services Director or the Director's designee to remedy limitations to standard collections, collection efficiency, and/or as a remedy of conditions that are dangerous, harmful to quality of life, public health, or public safety.
 - b. Carts must not be placed in front of neighboring properties or in bike lanes, traffic lanes, and/or block any right of way.
 - c. Carts may be placed at the street, by the curb, at the area abutting the street, or other approved point of collection by 6:00 a.m. on the day before the designated day for collection.
 - d. If the Solid Waste Services Director or the Director's designee deems an alleyway passable for City Solid Waste equipment, roll-out containers may also be placed at rear alleyways.
 - e. Solid Waste Services must have direct access to containers.
 - f. Improperly placed containers shall not be collected.
 - g. Containers shall be placed at least five (5) feet away from any obstruction (including mailboxes, transformers, parked cars, and light poles) and shall not be placed near low hanging branches or power lines.
 - h. Containers shall be placed at the curb no earlier than 6:00 a.m. on the day before the designated collection day and shall be removed from the curb and placed off the public right-of-way, at a location not visible from the public right-of-way, or at the side of the building, no later than 7:00 p.m. of the day after the designated collection day.
- (2) Under no circumstances, within a fire district, may refuse or refuse containers be placed upon the public street before the hour of 3:00 p.m. or after 5:30 p.m. nor shall a refuse container be permitted to remain on a public street after the hour of 9:30 a.m.
- (3) Any person, who is the owner, occupant, tenant, or otherwise has any possessory control of any premises, building, or land in the City, including vacant property, shall be responsible for the placement of refuse, recycling, and yard waste, or refuse, recycling, or yard waste containers. Any person who shall be found in violation of any provisions of this Chapter, including those of Raleigh City Code Section 7-2005(d)(1), shall be subject to enforcement in accordance with Raleigh

City Code Sections 7-2002.2 and 7-2002.3. Any violation of this subsection (d) shall be deemed a non-criminal violation and shall not be a misdemeanor or infraction pursuant to G.S. 14-4 or Section 14-1005(a) of this Code of Ordinances. Both the Inspections Director or the Director's designees and the Solid Waste Services Director or the Director's designees may enforce the provisions of this section.

- (4) All properties and areas in the City of Raleigh are subject to the standards and requirements set forth in the Raleigh City Code, including the area where the City has jurisdiction through planning and zoning regulations.
 - a. Any property receiving any services through the City of Raleigh Solid Waste Services Department is subject to the standards and requirements imposed on the preparation, storage, management, disposal, and/or handling of waste as set forth in Part 7 of the Raleigh City Code the Solid Waste Collection Design Manual, as amended, and other rules and regulations published by the Solid Waste Services Department, including, but not limited to, the City's website, brochures, and/or other forms of communication.

(e) Need Assistance Collection Program—Exemptions to curbside requirements.

- (1) A site visit will be performed to determine an acceptable storage location for carts prior to completion of the Need Assistance Collection Program Application. Each resident requiring assistance under the Need Assistance Collection Program, who lives in a single dwelling, must have an approved application on file.
- (2) Upon completion of an application for the Need Assistance Collection Program by a resident, including a Physician's Statement for the dwelling at which the person resides, the following persons shall receive back yard collection of garbage, recycling, and yard waste:
 - a. Residents who have a permanent disability with no able-bodied person residing with them who can move the containers to the curb; and
 - b. Residents who have a temporary disability with no able-bodied person residing with them who can move the containers to the curb.
- (3) To qualify for the Need Assistance Collection Program, the resident's garbage, recycling, and yard waste must be serviced from the house, in garbage and recycling containers either furnished or purchased from the City, and in the yard waste container issued by the City. Only yard waste contained in City-issued yard waste carts will be collected from the property. No additional yard waste (in biodegradable bags or in bundles) will be collected from the property.
- (4) A resident is not eligible for back yard collection if the resident does not have a completed application for the Need Assistance Collection Program on file with the Solid Waste Services Department.
- (5) Preparation of garbage, recycling, and yard waste must be in accordance with provisions in this Section of the City Code.

- (6) Solid Waste Services employees must have direct access to garbage, recycling, and yard waste containers. ~~Travel distance shall not exceed more than twenty (20) feet from the collection vehicle.~~ Employees will not maneuver over terrain that creates topographical problems that make collection unsafe. Employees will not go on porches, behind fences or gates, in garages, up steps, or on decks. All animals must be tied up and enclosed in a fence.
- (7) The Solid Waste Services Director or the Director's designee shall confirm the eligibility of residents requesting back yard collection prior to providing back yard service.
- (8) A residents shall recertify for the Need Assistance Collection Program, if the resident violates eligibility requirements or Solid Waste Services established collection practices.

Section 4. Part 7, Chapter 2, Article B, Sec. 7-2006 of the Raleigh Code of Ordinances shall be amended by to add the underlined language where noted below, and to delete the language shown as stricken through:

Sec. 7-2006. RATE SCHEDULES FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES.

- (a) The schedule of rates and fees for collection and disposal of solid waste, ~~and of household hazardous waste~~ yard waste, and other provisions, shall be as fixed and established from time to time by the City Council and maintained on file in the office of the Finance Director. Such rates and fees shall be collected from the users of the services and shall be due and payable monthly in accordance with law within twenty (20) days from the date such rates and fees are billed to the respective users.
- (b) Properties which are connected to the ~~Utility Billing system~~ Raleigh Water Billing System shall pay a monthly fee for solid waste, recycling, and yard waste collection ~~services~~.
 - (1) All residential properties in the City of Raleigh shall pay a recycling fee.
 - (2) Fees shall be based on type of service, level of service, frequency of service, and cost of service.
- (c) The Revenue Collector shall have responsibility for billing and collecting the fees due to the City under the provisions of this section and shall have full authority to pursue all available remedies against those who fail to make payments required by this section.

Section 5. That this ordinance shall become effective upon adoption.

Adopted: February 6, 2024

Effective: February 6, 2024

Distribution: City Manager – Adams-David, Raleigh
City Attorney – McDonald, Poole, Hargrove-Bailey
Solid Waste Services Department - Joseph