

ORDINANCE NO. 2025-09

AN ORDINANCE OF THE TOWN OF LEXINGTON,

SOUTH CAROLINA, **AMENDING** THE TOWN

HEALTH AND SANITATION SOLID WASTE COLLECTION AND DISPOSAL

WHEREAS, Lexington Town Council (the "Council") adopted the Health and Sanitation Solid Waste Collection Ordinance (the "Ordinance") , and

WHEREAS, the Ordinance provides regulations pertaining to Health and Sanitation Solid Waste Collection and Disposal

WHEREAS, the Town has entered into a new residential solid waste and recycling contract as of July 2025 that necessitates changes to collection procedures and yard debris.

WHEREAS, Council seeks to revise the Ordinance to improve definitions, standards and address yard debris pickup changes.

WHEREAS, the amended Ordinance will provide clearer guidance to citizens for solid waste disposal, pick up and yard debris

WHEREAS, Council has determined that amending the Ordinance is in the best interest of the general welfare of the Town of Lexington and its citizens and businesses therefore:

BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LEXINGTON, SOUTH CAROLINA, IN COUNCIL ASSEMBLED AND BY THE

AUTHORITY THEREOF that the Solid Waste Collection and Disposal Ordinance is hereby amended as shown on the attached document.

All other provisions of the Code of Ordinances shall remain unchanged and in effect.

ENACTED AND RATIFIED by the Town Council of the Town of Lexington this 7th day of July 2025.

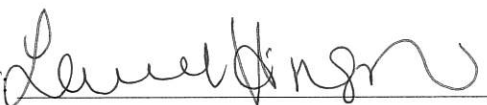
First Reading: 6-2-2025

Public Hearing 7-7-2025

Final Reading Approval: 7-7-2025



Hazel Livingston, Mayor

ATTEST  , Laura Hinson- Municipal Clerk

SOLID WASTE COLLECTION AND DISPOSAL

§ 93.50 DEFINITIONS.

"ASHES." Refuse resulting from the burning of wood, coal, coke and other combustible material which have no live embers.

"BIOMEDICAL WASTE." Pathological waste, biological waste cultures and stocks of infectious agents and associated biologicals, sharps, discarded medical equipment and parts.

"BULK CONTAINER." A metal container of not less than four (4) cubic yards or larger than eight (8) cubic yards. The container is to be of tight construction with the top door constructed so that it might be emptied by a Town truck and shall be placed at a location easily accessible to the truck handling equipment. Side doors, if provided, shall be sliding rather than hinged, provided, however, that the top door lid of the container must be made of plastic, or such other material as the Director of Parks and Community Services may determine will best serve to minimize the noise made when the container is emptied by garbage disposal trucks.

"BULKY WASTE." Large items of residential solid waste such as furniture, yard debris, mattresses and other oversize items whose large size precludes or complicates their handling by normal roll disposal methods or any amount of material that exceeds 3 yards

"CURBSIDE" – The location adjacent to the traveled portion of a publicly owned roadway designated by the Town. Carts shall be placed in a location that is readily accessible, not to exceed 3 feet from the curb or road edge. Carts, yard debris, or bulky waste shall not be within 3 feet of a mailbox, utility poles, water meters or any other obstruction.

"DWELLING UNIT." As defined in the Town's Zoning Ordinance.

"GARBAGE." Refuse of animal or vegetable food stuffs resulting from the handling, preparation, cooking and consumption of food.

"HAZARDOUS WASTE." Materials such as poison, acids, caustics, infected materials and explosives. Any chemical, compound, mixture, substance or article which is designated by the U.S. Environmental Protection Agency or appropriate agency of the State of South Carolina to be "hazardous."

"INDUSTRIAL WASTE." All waste generated from manufacturing plants, factories, lumber mills, wholesale stores, bottling works, printing establishments and garages.

"LARGE RESIDENTIAL UNIT." Any building or group of buildings on one lot containing four (4) or more dwelling places.

"RECYCLABLES/RECYCLABLE MATERIALS." Aluminum cans, PET bottles #1 with screw tops only, HDPE plastic bottles #2, plastic containers #3 - #7, steel and tin cans, phone books, newspaper, mail, magazines, glossy inserts and pamphlets, uncoated paperboard, uncoated printing, writing and office paper, old corrugated containers/cardboard, cartons, aseptic containers, and glass."RETAIL AND COMMERCIAL." Any office, retail store, restaurant, hotel, religious, charitable or governmental office or private club.

"ROLL CART." Also referred to as bin or cart, the approved container for residential curbside collection of trash and recyclable materials. A wheeled receptacle with a capacity of 94 – 100 gallons constructed of heavy-duty plastic.

"RUBBISH." All refuse other than ashes, trash or garbage.

"SMALL DEAD ANIMALS." Dead cats, dogs and other animals of similar size.

"SMALL RESIDENTIAL UNIT." Any building or group of buildings on one lot containing three (3) or less dwelling units.

"TRASH." All refuse other than ashes or dead animals incident to the ordinary conduct of the household or retail business.

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

"YARD DEBRIS" – Residential landscape debris such as grass, leaves, pine straw, mulch, limbs, plantings, etc.

(Ord. 107, passed 3-18-91; Ord. 99-027, § 1, passed 9-7-99; Ord. 2001-26, passed 10-1-01; Ord. 2002-49, § 1, passed 12-2-02)

§ 93.51 ADMINISTRATION.

The collection, removal and disposal of all waste from premises by the Town shall be under the jurisdiction of the Director of Parks and Community Services.

(Ord. 107, passed 3-18-91; Ord. 99-027, § 2, passed 9-7-99)

§ 93.52 ENFORCEMENT.

It shall be the duty of the Director of Parks and Community Services to see that the provisions of §§ 93.50 through 93.90 are enforced except where otherwise specifically provided for by ordinance. Individuals violating the provisions of these sections are guilty of a misdemeanor and are subject to the penalties provided by law. The Town's Police shall issue citations to individuals violating the provisions of this chapter. The citation will prescribe the amount of the bond to be posted at Municipal Court. A warrant will be issued for those violators who fail to post bond or appear in court as scheduled.

(Ord. 107, passed 3-18-91; Am. Ord. 351, § 4, passed 1-5-98; Ord. 99-027, § 2, passed 9-7-99)

§ 93.53 MATERIALS TO BE MOVED BY OCCUPANT.

- (A) Rubbish, ashes or building materials not resulting from normal household use must be removed from the premises by the occupant or owner.
- (B) Any owner or occupant of any establishment or institution where packing and unpacking, and/or loading and unloading of materials at exterior locations take place, shall provide suitable containers there for the disposal and storage of such materials and make appropriate arrangements for the collection and disposal thereof. Furthermore, it shall be the duty of the owner or occupant to remove at the end of each working day any materials that have not been containerized at these locations.

(Ord. 107, passed 3-18-91)

§ 93.54 SMALL RESIDENTIAL UNIT COLLECTION.

- (A) The Town will provide two roll carts to each unit; one roll cart for trash and one roll cart for recyclable materials. The roll carts are to remain with the unit upon vacating of the unit by the occupant.
- (B) The Town will pick up all trash and recyclable materials placed in roll carts curbside prior to seven (7:00) a.m. on the scheduled collection day. Household garbage in containers other than roll carts will not be picked up, unless prior arrangements have been made with the Parks and Community Services Department.
- (C) Special exceptions to the requirement to place roll carts curbside may be granted when the Director of Parks and Community Services determines that there is no person living in the unit who is physically capable of moving the roll cart from the unit to the curb. When an exception is granted, the Town will provide pickup from the front door of the unit. Under no circumstances will sanitation personnel enter a residential unit to pick up trash.
- (D) At no time may any material be placed in a roll cart which may damage the roll cart. If any such material is placed in the roll cart, resulting in damage to the roll cart, the owner of the property to which the damaged roll cart was assigned shall be responsible for the cost of repairing or replacing the damaged roll cart. The decision as to whether to repair or replace the damaged roll cart is in the sole discretion of the Town.
- (E) Roll carts must be removed from curbside and placed in a non-conspicuous location within twenty-four (24) hours of pickup. The first offense for failure to remove the roll cart within twenty-four (24) hours of pickup shall result in a warning. A warning will be issued one time every six (6) months. A town employee shall place a warning on the cart and move the cart to a non-conspicuous location. Multiple occurrence violators will receive a ten dollar (\$10.00) fine which shall be assessed on a subsequent utility bill.

(Ord. 2001-26, passed 10-1-01; Ord. No. 2013-11, § 1, 6-3-13)

§ 93.55 HOUSEHOLD MATERIAL NOT REQUIRED TO BE PLACED IN BAGS OR CONTAINERS.

- (A) Bulky waste resulting from normal household use shall be subject to special collection upon request and scheduling with the Parks and Community Services Department. These items shall only be placed at the street on the day of pickup. A Twenty-five \$25 shall be imposed by Town Council for pick up of these items.
- (B) White goods are picked up on the second Wednesday of the month. Residents shall call the Parks and Community Services Department at least two days before that day to be included in the pickup. These items shall only be placed at the street on the day of pickup. A fifteen (\$15) fee shall be imposed by Town Council for pick up of each item.

(Ord. 107, passed 3-18-91)

§ 93.56 OUT OF TOWN REFUSE PROHIBITED.

It shall be unlawful for any person to bring any type of refuse that originates outside the Town limits into the Town for collection by Town forces. The Town of Lexington Police is charged with enforcement of this paragraph and shall issue appropriate citations in accordance with § 93.99.

(Ord. 107, passed 3-18-91)

§ 93.57 RETAIL AND COMMERCIAL.

- (A) Retail and commercial establishments not required to furnish bulk containers shall utilize roll carts for trash. Recycling roll carts are not provided for retail and commercial properties. Businesses generating trash in excess of the capacity of the roll cart per pickup must convert to bulk container service. Roll carts must be placed curbside prior to seven (7:00) a.m. on the day of collection.
- (B) At no time may any material be placed in a roll cart which may damage the roll cart. If any such material is placed in the roll cart resulting in damage to the roll cart, the owner of the property to which the damaged roll cart was assigned shall be responsible for the cost of repairing or replacing the damaged roll cart. The decision as to whether to repair or replace the damaged roll cart is in the sole discretion of the Town.
- (C) Roll carts must be removed from curbside and place in a non-conspicuous location within twenty-four (24) hours of pickup. The first offense for failure to remove the roll cart within twenty-four (24) hours of pickup shall result in a warning. Residents are allowed one warning per six (6) months, after which a fine of ten dollars (\$10.00) shall be assessed to the business for each subsequent failure to remove the cart from curbside.
- (D) Retail and commercial garbage collection shall take place only between the hours of seven (7:00) a.m. and seven (7:00) p.m.

(Ord. 2001-26, passed 10-1-01; Ord. No. 2013-22, § 1, 8-19-13)

§ 93.58 COLLECTION AND LIMITATIONS ON QUANTITY.

Not more than one (1) trash collection shall be provided per week for residential and small commercial properties. No more than one (1) recycling collection shall be provided every other week for residential properties. Retail, commercial and industrial property shall be limited to one container not to exceed three (3) cubic yards per collection. Yard debris or bulky waste shall not exceed three (3) cubic yards per collection but may be altered during leaf season each year. The Director of Parks and Community Services may authorize collections in addition to the above for commercial, industrial and retail establishments. A fee as set by the Town Council shall be paid for additional service. The Director shall direct additional service if it is apparent that containers are habitually overflowing. Billings shall appear on the monthly town utility bill.

(Ord. 107, passed 3-18-91; Ord. 99-027, § 2, passed 9-7-99)

§ 93.59 RESTRICTIONS ON COLLECTIONS.

- (A) All bulk containers shall have the words "No Parking Towing Enforced" or words of similar import in letters not less than four inches (4") in height in contrasting color painted on the approach side of the container. Parking enforcement shall be the responsibility of the recipient of collection services. Blocked containers will not be picked up.
- (B) No hazardous waste shall be collected.
- (C) Dead animals. Small dead animals will be collected without charge between eight (8:00) a.m. and four (4:00) p.m. Monday through Friday upon notification to the Parks and Community Services Department and provided the body is in a location accessible to the collector and is placed in a plastic bag. Owners of large dead animals shall be responsible for their removal and disposal. When possible, the owners of dead animals found in Town will be notified.

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- (D) Lot clearing. No materials such as trees, shrubbery or underbrush resulting from land being cleared either by order of health department or otherwise, or for construction demolition either resulting from order by the building official or otherwise, will be collected by the Town.
 - (E) Commercial cutting. The Town will not collect materials such as trees, shrubbery, underbrush, chips, sawdust resulting from commercial cutting. Commercial cutters such as tree surgeons and landscapers, are required to dispose of waste produced by their operations promptly at no expense to the town.
 - (F) Contractors. Construction sites shall be provided by the contractor with an appropriate container for loose papers and small debris which may be blown by the wind onto other properties. It is the responsibility of the contractor to ensure these containers are present and properly utilized. The Town of Lexington Police shall enforce subsections (E) and (F) and issue appropriate citations in accordance with § 93.99.
 - (G) Bulk containers for large residential units. The owners of large residential units shall be required to furnish bulk containers of sufficient size and quantity to accommodate the maximum amount of waste to be disposed of by the Town pursuant to § 93.58. Waste not placed in such bulk containers must be disposed of by the owners of the property or persons responsible for the waste. Each day of failure to comply with this section shall constitute a separate offense.
 - (H) Industrial users shall provide bulk containers as required by § 93.58.
 - (I) Any solid waste item that has demonstrated by experience to have a high probability of inflicting damage to the collection equipment used by the Town may be excluded from the collection process.
 - (J) No biomedical waste shall be collected by the Town.
 - (K) Following a recognized weather event or natural disaster, at the Director of Parks and Community Services discretion, the Town may allow for oversized piles with no additional charges. During such events the Town may not be able to maintain a regular collection schedule.

(Ord. 107, passed 3-18-91)

§ 93.60 COLLECTIONS FROM NON-TAXABLE PROPERTY.

Nontaxable property may be provided solid waste collection services upon such schedules and the rate shall be consistent with the Town's contractual rate for residential service.

(Ord. 107, passed 3-18-91)

§ 93.61 YARD DEBRIS.

- (A) Shrubby trimmings, tree trimmings and other natural landscape materials resulting from normal household use may be placed off the paved portion of the street right-of-way but not in median strips or in front of property of another without consent. Shall not be placed under utility lines, under tree limbs, on top of water meters, or anywhere it creates a hazard.
- (B) Yard debris collection is not provided to retail or commercial customers.
- (C) Grass, leaves, pine straw, etc. shall be bagged and placed at the curb. Bags are not to exceed 50lbs and should not include sod or soil.
- (D) Tree limbs shall be no longer than 4 feet in length and 4 inches in diameter. Large limbs not in compliance will be marked by sanitation personnel by a non-compliance tag.
- (E) Cardboard boxes may be set out with yard debris. Boxes shall be broken down with no garbage in them.

§ 93.70—93.97 RESERVED.

§ 93.98 APPEALS.

Whoever feels aggrieved by the decision of the Director of Parks and Community Services or the Administrator under §§ 93.07, 93.24, 93.25, 93.28, 93.31, 93.52 and 93.58 may appeal, in writing within ten (10) calendar days from the date of the notification of the decision, to the Town Council. Council shall dispose of the appeal and make a final decision at its next regularly scheduled meeting. Council's decision shall be provided to the applicant in writing. No enforcement action shall be taken until the Council's decision has been furnished to the appellant in person or by posting a certified letter in the U.S. Postal Service system addressed to the last known address of appellant.

(Ord. 107, passed 3-18-91; Ord. 99-027, § 2, passed 9-7-99)

§ 93.99 PENALTY.

Whoever violates any provision of this chapter for which no penalty is otherwise provided, shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days. However, no penalty shall exceed the penalty provided by state law for similar offenses. A separate offense shall be deemed committed on each day that a violation occurs or continues.

(Ord. 107, passed 3-18-91; Am. Ord. 164, § B, passed 8-2-93)