

ORDINANCE ADOPTING SOLID WASTE COLLECTION REGULATIONS

WHEREAS, the Town of Bunn provides solid waste collection services.

WHEREAS, to more clearly regulate the management and collection of solid waste as well as the Town of Bunn's collection of charges for such collection, the Town Board of Commissioners desires to adopt regulations addressing solid waste collection.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Bunn, North Carolina that the following solid waste regulation ordinances are hereby adopted:

Section 1.

ARTICLE I. - IN GENERAL

1. Definitions.

For the purpose of this chapter, the words and phrases set forth in this section shall have the meanings respectively ascribed to them:

Commercial receptacles means a painted heavy gauge steel receptacle with a capacity of not more than eight (8) cubic yards, nor less than four (4) cubic yards and approved by the department of public works.

Garbage means all putrescible vegetable and animal waste matter, including offal and carcasses generated from houses, kitchens, eating establishments, hotels/motels, medical facilities, businesses, etc., industrial by-products, but excluding sewage, human waste and moisture that may be drained in the sewer.

Garbage bags means bags of two-ply wet-strength paper or extra strength plastic not to exceed thirty-gallon capacity. Larger bags may be used inside garbage containers or for leaves and pine straw.

Garbage container means eighty- to ninety-gallon capacity container of plastic or like material on wheels and approved by the department of public works.

Household hazardous waste includes, but is not limited to, materials which would fail one (1) of the following hazard tests: toxicity, ignitability, reactivity or corrosivity. Products likely to fall within one (1) or more of these categories include, but here again is not limited to: drain openers; oven cleaners; wood and metal cleaners; gasoline and rust solvents; carburetor cleaners; air conditioners and refrigerants; automobile starter fluids; paint thinners, strippers and removers; adhesives and glues; herbicides, pesticides and fungicides, including wood preservatives.

Medical waste includes the following: cultures and stocks; pathological wastes; blood and blood products; sharps, such as needles and scalpels; contaminated animal waste; infectious waste;

laboratory waste; dialysis waste; medical equipment; biological waste and discarded materials; and other wastes that threaten human health or the environment.

Refuse means trash, such as useless, unused, unwanted or discarded materials resulting from natural home or community activities (including but not limited to leaves, yard sweepings and limbs) as well as tin cans, dirty rags, house sweepings, papers, paper boxes and other rubbish.

2. Littering prohibited—Generally.

It shall be unlawful for any person including but not limited to any firm, organization, private corporation or governing body or employee of same to intentionally or recklessly throw, scatter, spill or place or intentionally or recklessly cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon any public property or private property not owned by him within this town or in waters of this town including, but not limited to, any public park, lake, stream, campground, forest land, recreational area, trailer parks, highway, road, street or alley. When litter is blown, scattered, spilled, thrown or placed from a vehicle or watercraft, the operator thereof shall be presumed to have committed such offense.

3. Same—Duty of business owners, occupants.

(a) Generally. The owner or occupant of any store or other place of business situated within the town shall exercise reasonable diligence at all times to keep his premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials thrown or left on such premises by its customers, and to take reasonable measures to prevent same from drifting or blowing to adjoining premises.

(b) Receptacles. Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the above articles of waste referred to in subsection (a) of this section may be disposed of.

(c) Signs. Each business establishment shall place upon its premises in a conspicuous place in close proximity to the receptacles a sign which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste materials.

4. Same—Duty of customer.

It shall be unlawful for any customer going upon the premises of another to in any manner dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials except in receptacles provided for such purposes.

5. Placement in gutter prohibited.

It shall be unlawful for any person to place any kind of garbage or refuse in the gutter on any street or on the street itself.

6. Garbage and refuse not to be used to fill lots.

No garbage or refuse or any offensive or disease-producing materials shall be dumped on any lot or space within the town for the purpose of filling or for any other purpose.

7. Sanitary landfill.

The sanitary landfill, operated by the county, shall be utilized for the disposal of garbage and refuse generated within the town. No person shall violate the rules and regulations adopted for operation of the county sanitary landfill.

8. Compliance with federal and state regulations.

All household hazardous waste and medical waste shall be disposed of according to applicable federal and state regulations and requirements. The town will not pick up any household hazardous waste or medical waste, with the exception that residential users of sharps may dispose of same by depositing them in garbage/refuse containers. Needles shall be broken or removed from syringes and then wrapped or containerized so as to prevent puncture by the handler prior to disposal.

ARTICLE II. - COLLECTION REGULATIONS

1. Collection by town.

(a) Garbage shall be collected one time per week, each resident is required to have a minimum of 1 garbage container and 1 recycle container. Garbage is picked up weekly and recycle is picked up bi-weekly. Allowable recycle items are available at the town hall.

(b) Unless otherwise agreed to by the Town, Garbage and refuse will not be collected from businesses, industries, schools, hospitals and institutions or other tax-exempt persons, corporations, institutions and other entities except from those small business or commercial locations which have small volumes of garbage and refuse so that no more than four (4) garbage containers emptied once per week should be required. These locations using garbage containers shall be picked up on regular residential routes at a charge per container per month. Charges for such service shall be set forth in the town schedule of rates and fees, a copy of which is located in the office of the town clerk and is incorporated by reference herein. The collection charges set forth therein shall be reviewed annually during regular budget sessions and charges adopted based on actual operational costs including, but not limited to, labor, equipment, landfill charges and other relevant factors. If more than 4 containers are needed the town requires commercial receptacles.

(c) Dead animals such as cats and dogs are to be disposed of by the resident and should be removed immediately. Dead animals from animal clinics will be disposed of by and at the expense of the owner or person controlling same according to applicable regulations.

(d) In residential areas, furniture, appliances and other large items will be the responsibility of the resident and are to be removed within 48 hours.

(e) Garbage and refuse allowed to accumulate beyond such time of pickup, or any garbage or refuse ordered removed by the county health department, shall be the responsibility of

the resident, establishment, or industry to haul and dispose of same as directed by the health department or director of public works.

2. Containers—Required; specifications.

Multiple housing units, mobile home parks, and other residential-type units with five (5) units or more shall be required to use commercial receptacles. In the event the director of public works determines that it is physically impractical to locate a commercial receptacle on the premises of units constructed prior to 2023, he may permit the use of garbage containers.

- (a) All garbage and refuse containers shall be kept on the private premises of the owner, lessee, tenant or occupant, and shall be kept at some place behind the front line of the residence except when the same is placed on the grassed area for collection. Containers may be placed at the curb the night before on scheduled pickup days. Containers shall be retrieved from the curb within forty-eight (48) hours of garbage pickup.
- (b) In instances where commercial receptacles are used, the owner or user thereof shall place such commercial receptacle in a suitable location, readily accessible to the collection vehicle. In the rear of the building or in a fenced area and the container lids must be kept shut at all times. Commercial receptacles are to be picked up on a weekly basis.

3. Same—Maintenance.

Every garbage or refuse container required by this chapter shall be maintained in as sanitary condition as possible in view of the use to which it is put; and shall be thoroughly cleansed as needed by washing, sterilizing or otherwise by the owner thereof.

4. Same—Replacement upon notice.

It shall be the duty of every person owning, controlling, managing, operating, policing, renting or occupying any premises where garbage and/or refuse accumulates to replace, within ten (10) days after receipt of condemnation notice issued by the town, acting through its duly designated officials, any containers that have deteriorated or that have jagged edges capable of causing injuries to those whose duty it is to handle the containers or that have been damaged to such an extent.

5. Disposition of material unsuitable for containers.

Will be the responsibility of the resident.

6. Disposition of heavy accumulations.

Building materials such as brick, broken concrete, lumber, plaster, etc.; ashes, dirt, rocks, sand or gravel; automobile frames and parts; dead trees and other bulky, heavy material, shall be disposed of by the owner or person controlling same, according to applicable regulations.

7. Disposition of material generated by contract.

Limbs, trimmings and other refuse or debris generated by hired labor or contract shall be disposed of by and at the expense of the owner or contractor.

8. Emergency collection.

During emergencies, residents or businesses may dispose of their own refuse at the county landfill.

9. Disposition of garbage and refuse by owner.

At any time this chapter imposes a duty on the owner to dispose of garbage and/or refuse, he shall dispose of the same only in a place that is approved as a sanitary landfill by the health department and director of public works.

10. Transportation by Private Persons

Garbage and refuse collection by any person(s) other than the town or its agent within the town limits shall be prohibited.

11. Collection of fees.

(a) The charges for waste collection and disposal per month per unit shall be prescribed annually in the Town's budget for the fiscal year.

(b) The charges prescribed by the Town Board shall apply to each residence or business in the Town that can be served within the limitations noted.

(c) The monthly charge shall be billed by the Town to each unit each month and shall be payable with the Town water and sewer billing within the time limit fixed for the payment of the utility bill.

(d) If such charge shall not be paid as provided hereinbefore, then the Town may discontinue further collection and removal of such waste from the unit involved and the further retention of such waste on the property involved shall be unlawful and shall subject the resident of the unit and the owner of the properties to all applicable health and sanitation regulations and laws. Additionally, utilities to the property may be disconnected until all amounts are paid in accordance with the Town's utility payment requirements.

12. Schedule of fees.

All charges shall be paid to the Town for collection of waste as defined in this chapter based on an adopted waste collection fee schedule.

13. Penalties and enforcement.

(a) Any violation of this Chapter within a twelve-month period subjects the offender to a civil citation and the following civil penalties:

(1) First violation: Written warning and/or twenty-five dollars (\$25.00).

- (2) Second violation: fifty dollars (\$50.00).
- (3) Third violation: One hundred dollars (\$100.00).
- (4) Fourth and subsequent violations: Two-hundred and fifty dollars (\$250.00) up to maximum of five hundred dollars (\$500.00).

(b) A violation that continues after the town notifies the offender of the violation or issues a citation for the violation constitutes an additional violation subject to further civil penalty.

(c) Appeal. A person assessed a civil penalty under this section may appeal to the manager by filing an appeal within fifteen (15) days of receipt of the citation. The clerk shall conduct an administrative hearing during which the appealing party may present any material information in support of the appeal. The clerk shall render a decision within fifteen (15) days of the hearing.

(d) The town may collect unpaid penalties through a civil action in the nature of a debt. A penalty is deemed unpaid if not paid within 30 days after receipt of the citation or the conclusion of appeals. The clerk is authorized to reach equitable settlement of unpaid penalties.

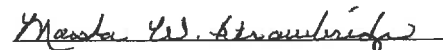
(e) The town may also enforce this article by seeking an equitable remedy, including but not limited to injunctive relief or order of abatement.

(f) Refusal of service for improper materials. If the town determines that a private dumpster, compactor, or other bulk container contains corrugated cardboard or any other material prohibited by this article from being disposed of at the county landfill, the town may refuse further service until the violation is corrected. If the container is owned by the town, the town may suspend the person's right to use the container for disposal of solid waste.

Section 2. That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance is effective upon its adoption.

Approved this 28 day of August, 2023.



Marsha Strawbridge,

Mayor

ATTEST:

Dottie Taylor

Dottie Taylor, Town Clerk