



STAFF REPORT

Agenda Title: Solid Waste Ordinance Amendments

Presenter: Shannon Tuch, Town Manager

Meeting Date: November 15, 2022

Summary:

Revisions to existing solid waste ordinances pursuant to North Carolina General Statutes and current and best practices.

Background:

In 2021 the Woodfin Town Council initiated certain solid waste improvements that sought to modernize the town's solid waste collection system and make it more efficient. This included the purchase of two new garbage trucks that were equipped with a semi-automatic rear gate lift feature, the purchase and distribution of 96-gallon town-issued garbage cans to every residence and qualifying businesses, the renewal of the town's contract with Curbside Management Inc., and a change to bi-weekly recycling collection with large 96-gallon recycling cans distributed to every residence, replacing the smaller bins previously used.

The initiation of these changes generated several questions and elicited a thorough review of the town's existing solid waste ordinances, which were found to be generally inaccurate and out of date. An update to the town's solid waste ordinance was identified as a priority.

Staff Analysis:

A review of solid waste ordinances of neighboring towns and cities, along with identifying the town's current practices, and best practices in the industry, a re-write of Chapter 38 – SOLID WASTE is proposed. These changes seek to reflect more efficient practices while also clarifying the town and residents' respective responsibilities and expectations.

Budget Impact:

The proposed ordinance update has no direct budget impact. Changes proposed are intended to bring the solid waste ordinance into alignment with current and best practices. Minor fees collected in association with the proposed changes are expected to have a very modest impact on revenues. An anticipated increase in recycling is expected to reduce garbage volumes and reduce tipping fees. Staff is tracking recycling and garbage volume data and will report back with findings.

Staff Recommendation & Requested Action:

Staff recommends that the proposed changes to Chapter 38 – SOLID WASTE be adopted by the Woodfin Town Council.

Suggested Motion:

I move to approve the proposed changes to Chapter 38 – SOLID WASTE, as identified in the draft ordinance.

Attachments:

- (1) Draft Ordinance
- (2) Amended Fee Schedule

Sec. 38-1. Purpose and intent.

It is the purpose of this chapter to provide for the regulation of storage, collection, and disposal of solid waste within the town. These provisions provide for the regulation in the most economically feasible, cost-effective, and environmentally safe manner, the storage, collection, transportation, separation, processing, recycling, and disposal of solid waste in order to protect the public health, safety and welfare. These regulations are further adopted to enhance the environment for the citizens and resident of the Town of Woodfin and to recover resources which have the potential for further usefulness, all in accordance with the authority, purposes, policies and goals enunciated the laws and regulations of the State of North Carolina pertaining to solid waste management as well as policies and practices in effect at the Landfill where such materials are transported. These regulations are further determined to deter unlawful disposal of solid waste and encourage the reporting of littering and illegal dumping.

Sec. 38-2. Jurisdiction and the applicability of state law.

The provisions of this Ordinance are intended, and shall be interpreted, to be consistent with and supplementary to the North Carolina General Statutes, State rules, and any county ordinance, regarding solid waste. To ensure such intent and interpretation, and in the event of ambiguity between the provisions of this Ordinance and other laws, rules, or ordinances, the stricter of the provisions shall apply. Any violation of such provisions shall also be a violation of this Ordinance. To the extent any provisions of the Ordinance is held to be invalid by a Court of competent jurisdiction, such invalidity shall not affect any other provision or applicability of this Ordinance.

Sec. 38-3. Administration and enforcement.

The Council authorizes the administration and enforcement of this Ordinance, which shall be administrated by the Town Manager or their designee.

Sec. 38-4. 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:

Building material scraps means scrap building material from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign and other structure, including, but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber or any other similar material used in construction or the containers or wrappings thereof.

Bulky waste means large items of solid waste such as furniture, white goods (see definition below), large auto parts, stumps, and other oversized wastes whose large size precludes or complicates their handling by normal solid waste collection, processing, and disposal methods.

Collection means the act of removing solid waste from a point of generation to an approved disposal site.

Construction materials means any waste generated from packaging exclusive or manufacturing, industrial waste, building construction materials, remodeling/renovation materials or debris or demolition operations.

Dumpster means a metal container of not less than two cubic yards capacity nor larger than eight cubic yards capacity, constructed to be watertight but with drain plugs at the lowest point of the container to facilitate the drainage of any liquids that might accumulate in the container or from cleaning the container. Bulk containers shall have doors that open on the top. Bulk containers shall be designed so that they can be emptied mechanically by specially designed trucks.

Garbage means all putrescible wastes, including animal and vegetable matter, animal offal and carcasses, and recognizable industrial by-products but excluding sewage and human wastes.

Garbage container means any container whatsoever that has been designated or would reasonably be believed to have been designated by the town for the collection of refuse, trash, garbage, recycling or other such matter.

Hazardous waste means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness. Also to include waste that poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Household garbage means any garbage, trash, refuse, recycling, waste, offal, or other undesirable matter, as defined specifically or generally in this chapter, and not limited solely to residential garbage but to anything defined as garbage by the town that was not generated at or used primarily at or with the parks and other public facilities of the town.

Landfill means a disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

Litter means any garbage, refuse, or other waste products that have been discarded incorrectly, without consent, at an unsuitable location.

Medical waste means any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research or pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste identified or listed pursuant to this article, radioactive waste, household waste as defined in 40 Code of Federal Regulations, section 261.4(b)(1) in effect July 1, 1989, or those substances excluded from the definition of solid waste in this section, to include sharps

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

Refuse means all nonputrescible wastes.

Sharps means and includes needles and syringes with attached needles.

Sharps container means a container manufactured and approved for the disposal of sharps. The container must be rigid, leak-proof when in the upright position, puncture resistant, and shall be labeled with a water resistant universal biohazard symbol.

Solid waste means garbage, refuse, rubbish, trash, and other discarded solid materials, including solid waste materials resulting from homes, businesses, industrial, commercial, and agriculture operations, and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water sources, such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows or other common water pollutants.

Special accommodation means a door-side collection service provided at no extra cost to disabled individuals, or to able-bodied individuals for a fee.

Tree trimmings mean tree limbs, leaves, shrubbery, weeds, plants, or grass.

White goods means inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

(Code 1995, § 50.01; Ord. of 3-23-1993)

Sec. 38-52. Maintenance of premises.

Every resident, owner, occupant, tenant, or lessee of any property, or other person in control of any property, including vacant property, shall maintain said property in a clean and litter-free manner and shall deposit trash, garbage, and refuse in accordance with the provisions of this chapter. Areas of responsibility shall include adjacent sidewalks, grass strips, alleys, curbs, gutters, and rights-of-way to the edge of the surface of the vehicular travel way of any public street.

~~All refuse, trash, white goods, or garbage which originates upon any premises shall not be permitted by the owner or occupant of such premises to accumulate in such manner or in such quantity as to constitute a fire hazard or a danger to health or as to become offensive or otherwise become a public nuisance. Garbage, trash, and refuse shall be disposed of regularly as provided in this chapter and shall be done in a sanitary and lawful manner.~~

(Code 1995, § 50.03; Ord. of 3-23-1993)

Sec. 38-63. Curbside collection by town; garbage containers.

- (a) Collection routes and schedules. Solid waste collection shall occur on a regular schedule as established by the town and which shall be made available to the public. The Public Works Director, or his designee, may alter collection schedules and routes, as needed. When such changes occur, notice shall be provided to affected residents. Every owner and every occupant or other person in control of any home, building, or land in the town, including vacant property, shall keep the same in a clean and orderly condition and shall deposit trash, garbage, and refuse in accordance with the provisions of this chapter and in accordance with regulations promulgated by the board of aldermen, the town administrator, or the authorized agent of either.
- (b) Garbage containers. Every qualifying residence and business shall be supplied one owner and every occupant or other person in control of any house, building, or land in the town shall provide and maintain containers in which shall be deposited all garbage, trash, refuse, or other solid wastes existing at suchgenerated from the buildingproperty. Additional cans may be rented according to the fee schedule adopted by the town. The occupant of every building where garbage, trash, and refuse does or may exist shall provide containers made of substantial galvanized iron, plastic, rubber, or other non-rusting material in which shall be deposited all garbage, trash, and refuse existing at such building or premises. Each container shall be provided with handles or bails and with a tightfitting cover made of the same material as the container. All containers shall be watertight and they shall be of a size that can be conveniently handled by the collectors, and no container shall be more than 30 gallons in capacity and measure not over 22 inches in diameter nor 30 inches in height. All containers shall be kept in a reasonably clean condition. No corrugated cardboard shall be deposited in collection containers. Cardboard shall be collected on designated days as determined by the board of aldermen, the town administrator, or authorized agent of either. The number of collection containers collected shall be limited to eight-two containers per residence and 16-four containers per qualifying business (including commercial, industrial, and service) collected per week. Collection of garbage, refuse, or trash exceeding the limits will be subject to the schedule of rates in section 38-8. No collection shall be made from vacant lots or buildings.
- (c) Responsibility to maintain containers. Containers shall be kept in good condition and shall be the responsibility of the resident, property owner, or business owner. If a container is lost or damaged, a new container may be supplied by the town upon request in accordance with town policy and the adopted fee schedule. It is the responsibility of a new resident or tenant to contact the town to establish new service, or to re-establish discontinued service.

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- (d) Use of container. All garbage, refuse or other waste shall be bagged and may not be placed loose in the container. Containers may not be filled to exceed normal capacity and the lid must be resting securely in place forming a watertight seal.
- (e) Location of containers. Unless otherwise approved, containers shall not be placed adjacent to the street or sidewalk except on the days when garbage is to be collected. All containers shall be removed from their positions adjacent to the street or sidewalk after the contents have been emptied on the same day.
- (f) Unlawful to displace containers. It shall be unlawful for any person to damage, displace or otherwise interfere with garbage containers or their contents except the owner or upon permission or at the request of the owner.
- (f) Prohibited materials. The town reserves the right to refuse collection of any materials deemed hazardous or unsafe, or those materials that require special or unusual handling. Prohibited materials shall include, but are not limited to:
- Construction debris or demolition waste
 - Flammable liquids
 - Wooden pallets
 - Large rocks
 - Corrugated cardboard
 - Tree trunks or tree stumps
 - Medical waste
 - Hazardous waste
 - Items banned from landfills including tires, lead acid batteries, paints, pesticides, lubricants, oil filters, anti-freeze
- (g) Sharps. Sharps shall be disposed of properly in a sharps container. Any residential or business establishment whose refuse contains sharps that are not placed in the appropriate containers may be refused service for the safety of all employees.

(Code 1995, § 50.05; Ord. of 3-23-1993)

Sec. 38-7. Curbside recycling collection.

- (a) General. Due to the public interest in preserving the environment by reducing the amount of refuse sent to landfills, and due to existing solid waste disposal problems and the potential solution to some of these problems provided by recycling, it shall be the policy of the town to require recycling to the fullest extent possible of recyclable materials designated by the town in cooperation with community partner recycling service providers.
- (b) Containers. Every qualifying residence shall be supplied one recycling container to be collected per the schedule adopted by the town. Residential developments with more than four dwelling units, and non-residential uses must contract with commercial recycling contractors separately.
- (c) Maintenance, responsibility, and use of recycling containers. The same standards governing garbage containers shall apply to recycling containers except that clean corrugated cardboard shall be an acceptable material for recycling.
- (d) Materials suitable for recycling. Only those materials designated by the town or its contractor as suitable for recycling shall be placed in recycling containers provided.

Sec. 38-7. Special accommodation service.

A door-side collection service may be allowed for the physically disabled, or for able-bodied residents who require special accommodation due to other site constraints. The Public Works Director, or their designee, shall have the authority to determine the proper location for collected items. Service must be requested and approved prior to the initiation of door-side collection. Additional fees may apply, as established by the adopted fee schedule.

This service is limited to town garbage collection and may not be available for recycling. In all cases, the town reserves the right to continue or discontinue the special accommodation service.

Sec. 38-4. Location of containers.

~~(a) Containers shall not be placed adjacent to the street or sidewalk except on the days when garbage is to be collected. A schedule of collection shall be kept on file at the administrator's office. When collection schedules are altered from time to time, notice of such change shall be given by publishing the new schedule in a newspaper having general circulation in the town. Garbage containers and recycling containers shall be removed from their positions adjacent to the street or sidewalk after the contents have been emptied on the same day.~~

~~(b) It is declared unlawful for any person, firm, or corporation operating a business in the town to place garbage or any kind of waste material into the area at the rear of such business establishment, except that the owner or proprietor of each business shall place or cause to be placed a suitable container at the rear of the business establishment. The waste or garbage shall be placed therein for the purpose of being removed by the town garbage collector, and the containers shall be approved by the officer or employee of the town charged with supervision over garbage and refuse collection.~~

(Code 1995, § 50.06; Ord. of 3-23-1993; Ord. of 7-20-2010)

Sec. 38-5. Unlawful to displace containers.

~~It shall be unlawful for any person to damage, displace or otherwise interfere with garbage containers or their contents except the owner or upon permission or at the request of the owner.~~

(Code 1995, § 50.07; Ord. of 3-23-1993)

Sec. 38-6. Bulky item collection; ~~T~~ree trimmings; ~~bulk collections~~; yard waste.

(a) *Bulky item collections.* Any resident desiring collection of bulky items must contact the town to request and schedule collection. A maximum of one item per household, per month will be collected. Additional fees may apply according to the fee schedule adopted by the town. Only one television per year may be collected.

(b) *Tree trimmings.* No tree trimmings will be collected in excess of six feet in length and three inches in diameter ~~without a special charge as set forth in the schedule in section 38-8.~~ No collections will be made of tree stumps, trunks, or large limbs.

~~(b) *Bulk collections.* Any property owner desiring special bulk collections of loose matter not in closed containers or tied in bundles may request a special collection for which a special charge will be made. If sufficient manpower and equipment are available, town personnel are authorized to make such special collections, provided the person making the request agrees to pay for the labor and equipment used at the rate specified by the mayor or the town administrator.~~

~~(c) *Prohibited items.* No collection shall be made from vacant lots nor shall any large rocks, tree trunks, or tree stumps, or other heavy objects be collected by the town. No waste building materials or lot clearings shall be collected from houses or other structures under construction or recently remodeled. No collections will be made of used tires. Presence of used tires in waste material will result in the town declining to haul trash.~~

~~(cd) *Yard waste; leaves.*~~

- ~~(1) *Non-woody* Yard waste to be collected ~~by special collections~~ shall be placed in piles and so located that such ~~refuse materials~~ can be easily loaded on trucks for disposal. No collections will be made of grass clippings.~~
- ~~(2) Leaves shall be collected beginning October 15 through January 15 of each year.~~

~~(d) *Contractor work.* Tree and shrubbery branches, limbs and trimmings cut by persons engaged in landscaping or tree service enterprises or by other commercial operations or resulting from land clearing operations shall not be collected by the town. Contractor work shall be defined as any work engaged in for profit, and the removal of such branches, trimmings or land clearing debris shall be performed at the expense of the contractor.~~

(Code 1995, § 50.08; Ord. of 3-23-1993)

Sec. 38-7. Removal of dead animals.

~~Dead animals will be removed from any premises by the town upon notice to the mayor or town administrator of the existence of such dead animal. Owners of dead animals are responsible for their removal and disposal. Property owners, tenants, lessees are responsible for the removal and disposal of dead wild animals.~~

(Code 1995, § 50.09; Ord. of 3-23-1993)

Sec. 38-8. Fee schedule.

~~Special fees may apply to additional collection services, according to the fee schedule adopted by the town.~~

~~(a) *Pickup service.*~~

- ~~(1) *Pickup of approved trash cans.* The town will pick up approved trash cans twice per week.~~
- ~~(2) *Business pickup.* If a business requires more frequent service, then the business will be charged a service fee as established annually by the board of aldermen.~~
- ~~(3) *Landfill fees.* In addition to the fees above, current landfill tipping fees will also be charged on a ton basis as established annually by the board of aldermen.~~

~~(b) *Normal bulk pickups.* Normal bulk pickups, which includes collection of any trash that is not in approved containers, will be on a fee basis as established annually by the board of aldermen.~~

- ~~(1) Yardage will be billed on a monthly basis.~~
- ~~(2) Business pickups. If a business utilizing bulk service requires more than twice per week service, then in addition to normal fees, an additional trip fee will be incurred.~~

~~(c) *Special bulk pickups.*~~

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~~(1) Special bulk pickups are those pickups not normally scheduled on a weekly basis.~~

~~(2) Business pickups. The town will make a special bulk pickup on the request of the business and charge a fee which includes the trip and yardage fee. The trip fee and the yardage fee will be as established annually by the board of aldermen.~~

(Code 1995, § 50.10; Ord. of 3-23-1993)

Sec. 38-9. Commercial collection dumpsters required ~~for trailer parks and apartment buildings or complexes.~~

~~(a) (a) Applicability. A commercial collection service with a private contractor shall be required for the following:~~

- ~~1. Multi-family residential buildings or developments containing more than four units.~~
- ~~2. Multi-tenant developments containing more than four separate business or office units.~~
- ~~3. Manufactured home parks with more than four homes.~~
- ~~4. All other businesses, schools, institutions, or employers that generate waste in excess of two cubic yards per week.~~

~~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:~~

~~Major trailer parks and apartment buildings and complexes mean commercial housing developments that contain five or more units of housing. The town shall be the sole determiner of what qualifies as a unit of housing.~~

~~(b) (b) Requirement for commercial collection dumpster. It shall be the responsibility of these uses Within 90 days of adoption of the ordinance from which this chapter is derived, all trailer parks and apartment buildings and complexes with five or more housing units for rent shall be required to arrange for the placement and perpetual maintenance of a commercial dumpster for the collection of garbage and other waste. household refuse for the tenants thereof. At a point 90 days after final passage of the ordinance from which this chapter is derived, the town will inspect each such premises within the municipality and determine if said premises are in compliance.~~

~~(c) It is declared unlawful for any person, firm, business or corporation in the town to place, store, or stockpile garbage, refuse or other kinds of waste material outside of an approved waste receptacle.~~

~~(d) Businesses utilizing a commercial collection service shall locate dumpsters or other receptacles to the side or rear of the business to minimize view to the maximum extent possible.~~

(Code 1995, § 50.11; Ord. of 4-20-2004)

Sec. 38-10. Depositing of household garbage in public municipal garbage containers Prohibited Actions.

~~(a) 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:~~

~~Garbage container means any container whatsoever that has been designated or would reasonably be believed to have been designated by the town for the collection of refuse, trash, garbage, recycling or other such matter.~~

~~Household garbage means any garbage, trash, refuse, recycling, waste, offal, or other undesirable matter, as defined specifically or generally in this chapter, and not limited solely to residential garbage but to anything defined as garbage by the town that was not generated at or used primarily at or with the parks and other public facilities of the town.~~

- ~~(a) No owner, occupant, tenant or lessee of any building or dwelling may undertake any of the following prohibited actions.~~
- ~~(1) The storing of garbage or refuse in a manner that allows for the harborage of rodents and vermin.~~
 - ~~(2) The storing of garbage or refuse in a manner that creates foul or offensive odors.~~
 - ~~(3) The storing of refuse in a manner that creates a fire hazard.~~
 - ~~(4) Place or leave, or cause to be placed or left, outside the building or dwelling any bulky waste for longer than thirty (30) days.~~
 - ~~(5) Leave any abandoned or unattended icebox, refrigerator, freezer, or other item or piece of equipment that has a door or cover that cannot be opened from the inside, without first removing the door.~~
 - ~~(6) The dumping or throwing of any garbage, refuse, yard waste, or other offensive material in any street, public place, or on any private property within the Town limits, except in approved containers as provided in this ordinance, or as approved by the Public Works Director or his designee~~
 - ~~(7) Depositing garbage, refuse and other waste generated at another location into the public municipal garbage containers of the town.~~
 - ~~(8) Placing household garbage on top of, adjacent to, near, or against public municipal garbage containers.~~
 - ~~(9) Depositing animal or human waste in a garbage container unless such waste is disposed of in tightly sealed garbage bags free from holes or tears.~~
 - ~~(10) Any willful and knowing refusal to pay fees assessed in this chapter.~~
- ~~(b) Depositing of household garbage in public municipal garbage containers.~~
- ~~(1) It shall constitute the offense of littering for any individual, group, business, organization or any other such entity to cause or place garbage and waste generated at another location into the public municipal garbage containers of the town.~~
 - ~~(2) It shall constitute a separate offense to place household garbage on top of, adjacent to, near, or against public municipal garbage containers.~~

(Code 1995, § 50.12; Ord. of 7-20-2010)

~~Sec. 38-11. Animal or human waste.~~

~~It shall be unlawful to dispose of animal or human waste in a garbage container unless such waste is disposed of in tightly sealed garbage bags free from holes or tears. Failure to comply with this chapter will result in fines to be accrued as follows:~~

First offense	Warning
Second offense	\$25.00 fine
Third offense	\$100.00 fine
Fourth and subsequent offenses	\$500.00 fine

(Code 1995, § 50.13; Ord. of 3-17-2015)

Sec. 38-12. ~~Penalty Enforcement.~~

(a) Compliance required. It shall be unlawful to throw, place or deposit any garbage, refuse, or other waste in any street, public place or on any private property within the Town limits, except in approved containers as provided for in this ordinance, or as approved by the Public Works Director or his designee.

(b) Notice required before penalty. No penalty shall be assessed pursuant to this chapter until the person alleged to be in violation has been notified of the violation in accordance with this section:

(1) Notice of violation. Whenever any town official charged with the duty of enforcing the regulations in this chapter has reasonable cause to believe that a person is violating any of the provisions of this chapter or that real property within the city is in violation of this chapter, that official shall notify the alleged violator and/or property owner of the violation, providing for up to 30 days to comply with the requirements of this chapter. If the violator cannot be ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation exists.

(2) Service requirements. Notices of violation shall be in writing and shall be served by personal delivery or by certified or registered mail, return receipt requested. The notice of violation shall specify the violation, what must be done to remedy the violation, an opportunity to cure the violation within a prescribed period of time and the consequences of non-compliance.

(3) Extension of time to cure. The city official charged with the duty of enforcing this chapter may upon written request from the alleged violator or the property owner, grant a single extension of time, not to exceed a period of thirty (30) days in which the alleged violator may cure or correct the violation before the city issues a citation as set forth herein.

(4) Citation for violation. Any person who fails to comply with a notice of violation issued under this chapter within the time period set forth in the notice of violation or within any authorized extensions granted, shall be subject to civil penalties as follows:

<u>First offense</u>	<u>\$100.00 fine</u>
<u>Second offense</u>	<u>\$300.00 fine</u>
<u>Third offense</u>	<u>\$500.00 fine</u>
<u>Fourth and subsequent offenses</u>	<u>Suspension of service</u>

(5) Except as otherwise provided by law or ordinance, a person convicted of a fourth offense of this Code shall be guilty of a misdemeanor and punished by a fine of not more than \$500.00, and shall also be subject to a civil penalty not to exceed \$500.00 to be recovered by the town in a civil action.

(c) Equitable action. In addition to or in lieu of other remedies as set forth herein, the town attorney may seek injunctive relief, an order of abatement or other appropriate relief in the appropriate court of law.

(d) Emergency abatement. Nothing herein shall prevent the town from immediately proceeding in the absence of prior notice to abate an imminent threat to life or property. As soon as the imminent threat is removed, notice shall be given within a reasonable time period thereafter consistent with the requirements of this article.

(e) Refuse to remove. The director shall not be obligated to cause the retrieval and removal of any required contents from any real property as set forth under this chapter, if after proper notice, the customer and tenant or property owner as applicable, fail and refuse to comply with the provisions for storage and collection under this chapter.

~~Any willful and knowing refusal to pay fees assessed in this chapter shall subject the offender to a civil penalty in accordance with section 1-13.~~

(Code 1995, § 50.99; Ord. of 3-23-1993)

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Sec. 38-1. Purpose and intent.

It is the purpose of this chapter to provide for the regulation of storage, collection, and disposal of solid waste within the town. These provisions provide for the regulation in the most economically feasible, cost-effective, and environmentally safe manner, the storage, collection, transportation, separation, processing, recycling, and disposal of solid waste in order to protect the public health, safety and welfare. These regulations are further adopted to enhance the environment for the citizens and resident of the Town of Woodfin and to recover resources which have the potential for further usefulness, all in accordance with the authority, purposes, policies and goals enunciated the laws and regulations of the State of North Carolina pertaining to solid waste management as well as policies and practices in effect at the Landfill where such materials are transported. These regulations are further determined to deter unlawful disposal of solid waste and encourage the reporting of littering and illegal dumping.

Sec. 38-2. Jurisdiction and the applicability of state law.

The provisions of this Ordinance are intended, and shall be interpreted, to be consistent with and supplementary to the North Carolina General Statutes, State rules, and any county ordinance, regarding solid waste. To ensure such intent and interpretation, and in the event of ambiguity between the provisions of this Ordinance and other laws, rules, or ordinances, the stricter of the provisions shall apply. Any violation of such provisions shall also be a violation of this Ordinance. To the extent any provisions of the Ordinance is held to be invalid by a Court of competent jurisdiction, such invalidity shall not affect any other provision or applicability of this Ordinance.

Sec. 38-3. Administration and fees.

The Council authorizes the administration of this Ordinance, which shall be administrated by the Town Manager, Public Works director, or their designee.

Special fees may apply to additional or special collection services, according to the fee schedule adopted by the town.

Sec. 38-4. 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:

Building material scraps means scrap building material from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign and other structure, including, but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber or any other similar material used in construction or the containers or wrappings thereof.

Bulky waste means large items of solid waste such as furniture, white goods (see definition below), large auto parts, stumps, and other oversized wastes whose large size precludes or complicates their handling by normal solid waste collection, processing, and disposal methods.

Collection means the act of removing solid waste from a point of generation to an approved disposal site.

Construction materials means any waste generated from packaging exclusive or manufacturing, industrial waste, building construction materials, remodeling/renovation materials or debris or demolition operations.

Dumpster means a metal container of not less than two cubic yards capacity nor larger than eight cubic yards capacity, constructed to be watertight but with drain plugs at the lowest point of the container to facilitate the drainage of any liquids that might accumulate in the container or from cleaning the container. Bulk containers shall

have doors that open on the top. Bulk containers shall be designed so that they can be emptied mechanically by specially designed trucks.

Garbage means all putrescible wastes, including animal and vegetable matter, animal offal and carcasses, and recognizable industrial by products but excluding sewage and human wastes.

Garbage container means any container whatsoever that has been designated or would reasonably be believed to have been designated by the town for the collection of refuse, trash, garbage, recycling or other such matter.

Hazardous waste means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness. Also to include waste that poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Household garbage means any garbage, trash, refuse, recycling, waste, offal, or other undesirable matter, as defined specifically or generally in this chapter, and not limited solely to residential garbage but to anything defined as garbage by the town that was not generated at or used primarily at or with the parks and other public facilities of the town.

Landfill means a disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

Litter means any garbage, refuse, or other [waste products](#) that have been discarded incorrectly, without consent, at an unsuitable location.

Medical waste means any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research or pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste identified or listed pursuant to this article, radioactive waste, household waste as defined in 40 Code of Federal Regulations, section 261.4(b)(1) in effect July 1, 1989, or those substances excluded from the definition of solid waste in this section, to include sharps

Recycling means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed, and reused or returned to the use in the form of raw materials or products. *Refuse* means all nonputrescible wastes.

Sharps means and includes needles and syringes with attached needles.

Sharps container means a container manufactured and approved for the disposal of sharps. The container must be rigid, leak-proof when in the upright position, puncture resistant, and shall be labeled with a water resistant universal biohazard symbol.

Solid waste means garbage, refuse, rubbish, trash, and other discarded solid materials, including solid waste materials resulting from homes, businesses, industrial, commercial, and agriculture operations, and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water sources, such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows or other common water pollutants.

Special accommodation means a door-side collection service provided at no extra cost to disabled individuals, or to able-bodied individuals for a fee.

Tree trimmings mean tree limbs, leaves, shrubbery, weeds, plants, or grass.

White goods means inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

(Code 1995, § 50.01; Ord. of 3-23-1993)

Sec. 38-5. Maintenance of premises.

Every resident, owner, occupant, tenant, or lessee of any property, or other person in control of any property, including vacant property, shall maintain said property in a clean and litter-free manner and shall deposit trash, garbage, and refuse in accordance with the provisions of this chapter. Areas of responsibility shall include adjacent sidewalks, grass strips, alleys, curbs, gutters, and rights-of-way to the edge of the surface of the vehicular travel way of any public street.

Sec. 38-6. Curbside collection by town; garbage containers.

- (a) *Collection routes and schedules.* Solid waste collection shall occur on a regular schedule as established by the town and which shall be made available to the public. The Public Works Director, or his designee, may alter collection schedules and routes, as needed. When such changes occur, notice shall be provided to affected residents.
- (b) *Garbage containers.* Every qualifying residence and business shall be supplied one container in which shall be deposited all garbage, trash, refuse, or other solid wastes generated from the property. Additional cans may be rented according to the fee schedule adopted by the town. The number of containers collected shall be limited to two containers per residence and four containers per qualifying business. No collection shall be made from vacant lots or buildings.
- (c) *Responsibility to maintain containers.* Containers shall be kept in good condition and shall be the responsibility of the resident, property owner, or business owner. If a container is lost or damaged, a new container may be supplied by the town upon request in accordance with town policy and the adopted fee schedule. It is the responsibility of a new resident or tenant to contact the town to establish new service, or to re-establish discontinued service.
- (d) *Use of container.* All garbage, refuse or other waste shall be bagged and may not be placed loose in the container. Containers may not be filled to exceed normal capacity and the lid must be resting securely in place forming a watertight seal.
- (e) *Location of containers.* Unless otherwise approved, containers shall not be placed adjacent to the street or sidewalk except on the days when garbage is to be collected. All containers shall be removed from their positions adjacent to the street or sidewalk after the contents have been emptied on the same day.
- (f) *Unlawful to displace containers.* It shall be unlawful for any person to damage, displace or otherwise interfere with garbage containers or their contents except the owner or upon permission or at the request of the owner.
- (g) *Prohibited materials.* The town reserves the right to refuse collection of any materials deemed hazardous or unsafe, or those materials that require special or unusual handling. Prohibited materials shall include, but are not limited to:

- Construction debris or demolition waste

- Flammable liquids

- Wooden pallets

- Large rocks

- Corrugated cardboard

- Tree trunks or tree stumps

Medical waste

Hazardous waste

Items banned from landfills including tires, lead acid batteries, paints, pesticides, lubricants, oil filters, anti-freeze

(g) *Sharps.* Sharps shall be disposed of properly in a sharps container. Any residential or business establishment whose refuse contains sharps that are not placed in the appropriate containers may be refused service for the safety of all employees.

Sec. 38-7. Curbside recycling collection.

- (a) *General.* Due to the public interest in preserving the environment by reducing the amount of refuse sent to landfills, and due to existing solid waste disposal problems and the potential solution to some of these problems provided by recycling, it shall be the policy of the town to require recycling to the fullest extent possible of recyclable materials designated by the town in cooperation with community recycling service partners.
- (b) *Containers.* Every qualifying residence shall be supplied one recycling container to be collected per the schedule adopted by the town. Residential developments with more than four dwelling units, and non-residential uses must contract with commercial recycling contractors separately.
- (c) *Maintenance, responsibility, and use of recycling containers.* The standards governing garbage containers shall also apply to recycling containers except that clean corrugated cardboard shall be an acceptable material for recycling.
- (d) *Materials suitable for recycling.* Only those materials designated by the town or its contractor as suitable for recycling shall be placed in recycling containers provided.

Sec. 38-8. Special accommodation service.

A door-side collection service may be allowed for the physically disabled, or for able-bodied residents who require special accommodation due to other site constraints. The Public Works Director, or their designee, shall have the authority to determine the proper location for collected items. Service must be requested and approved prior to the initiation of door-side collection. Additional fees may apply, as established by the adopted fee schedule.

This service is limited to town garbage collection and may not be available for recycling. In all cases, the town reserves the right to continue or discontinue the special accommodation service.

Sec. 38-9. Bulky item collection; tree trimmings; yard waste.

- (a) *Bulky item collections.* Any resident desiring collection of bulky items must contact the town to request and schedule collection. A maximum of one item per household, per month will be collected. Additional fees may apply according to the fee schedule adopted by the town. Only one television per year may be collected.
- (b) *Tree trimmings.* No tree trimmings will be collected in excess of six feet in length and three inches in diameter. No collections will be made of tree stumps, trunks, or large limbs.
- (c) *Yard waste; leaves.*
 - (1) Non-woody yard waste to be collected shall be placed in piles and located so that materials can be easily loaded on trucks for disposal.

-
- (2) No collections will be made of grass clippings.
 - (2) Leaves shall be collected beginning October 15 through January 15 of each year.

(d) *Contractor work.* Tree and shrubbery branches, limbs and trimmings cut by persons engaged in landscaping or tree service enterprises or by other commercial operations or resulting from land clearing operations shall not be collected by the town. Contractor work shall be defined as any work engaged in for profit, and the removal of such branches, trimmings or land clearing debris shall be performed at the expense of the contractor.

Sec. 38-10. Removal of dead animals.

Owners of dead animals are responsible for their removal and disposal. Property owners, tenants, lessees are responsible for the removal and disposal of dead wild animals.

Sec. 38-11. Commercial collection required.

- (a) *Applicability.* A commercial collection service with a private contractor shall be required for the following:
- (1) Multi-family residential buildings or developments containing more than four units.
 - (2) Multi-tenant developments containing more than four separate business or office units.
 - (3) Manufactured home parks with more than four homes.
 - (4) All other businesses, schools, institutions, or employers that generate waste in excess of two cubic yards per week.
- (b) *Responsibility for commercial collection.* It shall be the responsibility of those identified in the preceding section to arrange for the placement and perpetual maintenance of commercial collection of garbage and other waste.
- (c) *No stockpiling of waste.* It is declared unlawful for any person, firm, business, or corporation in the town to place, store, or stockpile garbage, refuse or other kinds of waste material outside of an approved waste receptacle.
- (d) *Location of receptacles.* Properties utilizing a commercial collection service shall locate dumpsters or other receptacles to the side or rear of the business or screen to minimize view to the maximum extent possible.

Sec. 38-10. Prohibited Actions.

- (a) No owner, occupant, tenant or lessee of any building or dwelling may undertake any of the following prohibited actions.
- (1) The storing of garbage or refuse in a manner that allows for the harborage of rodents and vermin.
 - (2) The storing of garbage or refuse in a manner that creates foul or offensive odors.
 - (3) The storing of refuse in a manner that creates a fire hazard.
 - (4) Depositing or storing, outside the building or dwelling, any bulky waste for longer than thirty (30) days.
 - (5) Depositing or storing an icebox, refrigerator, freezer, or other item or piece of equipment that has a door or cover that cannot be opened from the inside, without first removing the door.

- (6) The dumping or throwing of any garbage, refuse, yard waste, or other offensive material in any street, public place, or on any private property within the town limits, except in approved containers as provided in this ordinance, or as approved by the Public Works Director or his designee
- (7) Depositing garbage, refuse and other waste generated at another location into the public municipal garbage containers of the town.
- (8) Placing household garbage on top of, adjacent to, near, or against public municipal garbage containers.
- (9) Depositing animal or human waste in a garbage container unless such waste is disposed of in tightly sealed garbage bags free from holes or tears.
- (10) Any willful and knowing refusal to pay fees assessed in this chapter.

Sec. 38-12. Enforcement

- (a) *Compliance required.* It shall be unlawful to throw, place or deposit any garbage, refuse, or other waste in any street, public place or on any private property within the town limits, except in approved containers as provided for in this ordinance, or as approved by the Public Works Director or his designee.
- (b) *Notice required before penalty.* No penalty shall be assessed pursuant to this chapter until the person alleged to be in violation has been notified of the violation in accordance with this section:
 - (1) *Notice of violation.* Whenever any town official charged with the duty of enforcing the regulations in this chapter has reasonable cause to believe that a person is violating any of the provisions of this chapter or that real property within the city is in violation of this chapter, that official shall notify the alleged violator and/or property owner of the violation, providing for up to 30 days to comply with the requirements of this chapter. If the violator cannot be ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation exists.
 - (2) *Service requirements.* Notices of violation shall be in writing and shall be served by personal delivery or by certified or registered mail, return receipt requested. The notice of violation shall specify the violation, what must be done to remedy the violation, an opportunity to cure the violation within a prescribed period of time and the consequences of non-compliance.
 - (3) *Extension of time to cure.* The city official charged with the duty of enforcing this chapter may upon written request from the alleged violator or the property owner, grant a single extension of time, not to exceed a period of thirty (30) days in which the alleged violator may cure or correct the violation before the city issues a citation as set forth herein.
 - (4) *Citation for violation.* Any person who fails to comply with a notice of violation issued under this chapter within the time period set forth in the notice of violation or within any authorized extensions granted, shall be subject to civil penalties as follows:

First offense	\$100.00 fine
Second offense	\$300.00 fine
Third offense	\$500.00 fine
Fourth and subsequent offenses	Suspension of service

- (5) Except as otherwise provided by law or ordinance, a person convicted of a fourth offense of this Code shall be guilty of a misdemeanor and punished by a fine of not more than \$500.00, and shall also be subject to a civil penalty not to exceed \$500.00 to be recovered by the town in a civil action.

(c) *Equitable action.* In addition to or in lieu of other remedies as set forth herein, the town attorney may seek injunctive relief, an order of abatement or other appropriate relief in the appropriate court of law.

(d) *Emergency abatement.* Nothing herein shall prevent the town from immediately proceeding in the absence of prior notice to abate an imminent threat to life or property. As soon as the imminent threat is removed, notice shall be given within a reasonable time period thereafter consistent with the requirements of this article.

(e) *Refuse to remove.* The director shall not be obligated to cause the retrieval and removal of any required contents from any real property as set forth under this chapter, if after proper notice, the customer and tenant or property owner as applicable, fail and refuse to comply with the provisions for storage and collection under this chapter.

Town of Woodfin
90 Elk Mountain Road
Woodfin, NC 28804
828-253-4487



<https://www.woodfin-nc.gov>

FY2023 Schedule of Fees

Administration		
Copies	\$	0.25 Per Page
NSF Return Check Fee	\$	35.00
Special Event Permit	\$	105.00
Police Officer required on-site	\$	60.00 Per hour - 4 hour minimum
Parks and Recreation		
Picnic Shelter Reservation	\$	33.00 Per 3 hour block
Additional Hour	\$	11.00 Per additional hour
Community Center Reservation:		
Deposit	\$	525.00
Rental Fee	\$	265.00 Per day - 6am until midnight
Community Center Reservation with Alcohol		
Deposit	\$	525.00
Rental Fee	\$	525.00 Per day - 6am until midnight
Police Officer required on-site	\$	50.00 Per hour - 5 hour minimum
Commercial Use of Park Permit		\$79 per park registration fee plus \$79/month use fee
Police Department		
Police Report Copies	\$	6.00
Vehicle Release	\$	37.00
Off-duty Police Officer	\$	50.00 Per hour
Public Works		
Extra/Special Garbage Pick-up	\$	265.00 Plus Tipping Fees
Special Accomodation/Door-side Collection	\$	300.00 per year
Trash/Recycling Container Replacement	\$	100.00
Trash/Recycling Container Rental	\$	20/month, per can
Street Right of Way Closure Request	\$	525.00
Street Review for Municipal Takeover	\$	315.00
Street Cut Permit	\$	210.00
Planning & Zoning		
Driveway Permit	\$	105.00
Zoning Compliance Permit for:		
Storage Building/Utility Shed	\$	53.00
Residential Single Family Dwelling	\$	210.00
Residential Multi-Family Dwelling	\$	315.00 Plus \$53 per unit
Building Addition	\$	105.00
Deck	\$	53.00

Fence / Retaining Wall	\$	53.00	
Solar Panels	\$	53.00	
Single Wide Mobile Home	\$	210.00	
Commercial/Industrial Facility	\$	525.00	
Short Term Rental	\$	27.00	
Hotel/Motel/Inn	\$	525.00	
Zoning Verification Letter	\$	37.00	
Appeal of Zoning Enforcement	\$	525.00	
Application for Variance	\$	315.00	
Application for Special Use	\$	525.00	
Application for Rezoning	\$	525.00	Plus \$53/acre or portion over 5 acres
Conditional Rezoning			
<1 acre or <5,000 sf	\$	525.00	
1-5 acres or 5,001sf-10,000 sf	\$	790.00	
6-10 acres and 10,001-19,999 sf	\$	1,050.00	
>10 acres or >20,000 sf	\$	1,575.00	
Subdivision Review:			
Minor	\$	79.00	Plus \$53/lot
Major	\$	525.00	Plus \$53 per lot or dwelling
Sign Permit:			
Freestanding	\$	265.00	
Temporary	\$	27.00	
Sandwich Board	\$	53.00	
All other signs	\$	210.00	
Telecommunications Tower	\$	1,050.00	
Steep Slope Permit	\$	105.00	

Updated 11/15/2022



ORDINANCE AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES OF THE TOWN OF WOODFIN TO AMEND STANDARDS REGULATING SOLID WASTE

Ordinance: 2022-xxx

Passed _____

WHEREAS, the Town of Woodfin has the authority pursuant to Article 8 of Chapter 160A of the North Carolina General Statutes to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances; and

WHEREAS, the Town of Woodfin Town Council may amend said regulations from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Town initiated a recommendation to amend Chapter 38 of the Code of Ordinances, containing standards related to solid waste collection pursuant to North Carolina General Statutes 160A-303.1 and 130A-309.09A; and

WHEREAS, the public hearing for this text amendment has been noticed in compliance with the North Carolina General Statutes; and

WHEREAS, the Woodfin Town Council held a public meeting on November 15, 2022 and, after hearing such, recommended approval of the proposed ordinance amendments:

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Woodfin, that the Town of Woodfin Code of Ordinances is hereby amended as follows:

Section 1:

- a. Amend **PART II – CODE OF ORDINANCES** by replacing Chapter 38 – SOLID WASTE in its entirety with the following:

Section 2: If any provisions of this Ordinance are for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision thereof, and to that end, the provisions of this Ordinance are hereby declared to be severable.

Section 3: This Ordinance shall be effective on this 15th day of November 2022.

Ayes _____

Nays _____

Abstains _____

Attest:

M. Jerry Vehaun, Mayor

Town Clerk