

## Chapter 17 - SANITATION

### ARTICLE I. - IN GENERAL

#### Sec. 17-1. - Definitions.

The following definitions shall apply to all articles and sections within this chapter. For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

*Building material scraps.* Scrap building material from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign or 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 therefor.

*Bulk pickup.* Acceptable refuse that will not or cannot be placed in a City roll-out refuse or yard waste container.

*City.* The City of Lenoir

*Garbage.* Putrescible animal, vegetable wastes resulting from the handling, preparation, cooking and consumption of food. All cans, glassware, crockery, bags and other containers in which matter has been kept or stored.

*Park or community facility.* A park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the City and devoted to active or passive recreation.

*Person.* Any person (citizen, property owner or tenant), firm, partnership, association, corporation, company or organization of any kind.

*Plastic bag.* A bag formed of plastic materials with a mil thickness of not less than 1.5 which will contain refuse in a bundle to be loaded and deposited of along with the refuse it contains.

*Private premises.* Any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

*Public place.* Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

*Receptacle, Refuse.* A sturdy weatherproof container with a spring-loaded self-closing lid or chute so placed on the property to permit patrons of the establishment to deposit refuse into the receptacle without getting out of the vehicle.

*Recyclables.* Any material that which would otherwise become municipal solid waste, and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products. Recyclable materials, such as, but not limited to paper, plastic and glass.

*Refuse.* All putrescible and nonputrescible solid waste (except body waste) not excluding any, but including, waste such as trash, debris, rubbish, garbage, litter, ashes, street cleanings, junk, small dead animals, industrial and commercial waste.

*Refuse - Industrial.* Sawdust, shavings, feathers, excelsior, cartons, boxes, metal, glass, paper, wood, textiles, chemicals, plastic or other waste materials from processing plants, factories or manufacturing operations.

*Roll-off dumpster.* A 20 cubic yard dumpster leased by the City to sanitation account holders for accepted refuse.

*Roll-out refuse container.* A sturdy weatherproof roll-out receptacle that holds refuse that the City owns and leases to an account holder at a rate determined by the City Council, further specified on the City's fee schedule.

*Solid fill material.* Any materials which is inert and will not undergo further decomposition to include brick, block, broken curb, stone, dirt, mortar and plaster.

*Tree trimmings.* Tree limbs, leaves, large shrubbery trimmings and cuttings and all other trimmings from the natural growth of trees.

*Vehicle.* A device in, upon, or by which any person or property is or may be transported or drawn upon a highway, water, or tracks.

*Yard waste.* Solid waste solely consisting of vegetative matter resulting from landscaping maintenance including grass, small shrubbery, weeds, and plants clippings.

*Yard waste container.* A sturdy weatherproof roll-out receptacle that holds yard waste and can be purchased from the City at a rate determined by the City Council, further specified on the City's fee schedule.

**State Law reference—** Regulation of trash and garbage, G.S. 160A-192; public enterprise services, G.S. 160A-311 et seq.

#### **Sec. 17-2. – Collection of fees, rates, schedules and frequency of pickup.**

(a) The City shall determine rates, fees, schedules and frequency of pickup. All are subject to change based on the City's discretion. The City of Lenoir Public Works Department reserves the right to change the collection schedule at any time.

(b) The City shall reserve the right to discontinue or deny garbage collection service to any resident of the city who violates any provision of this ordinance; however, such resident shall continue to be assessed garbage collection and disposal fees in the manner set forth in this chapter.

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

(d) The charges prescribed by the City Council shall apply to each residence or business in the City that can be served within the limitations noted. Commercial or Industrial entities that contract with private refuse collectors will not be assessed solid waste fees.

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

(f) If such charge shall not be paid as provided hereinbefore, then the City 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.

#### **Sec. 17-3. - Private service.**

Any establishment that operates principally as a commercial or industrial entity may choose to contract with any private refuse collection contractor for the purposes of refuse storage and collection provided other sections of this article are complied with. This option does not preclude commercial or industrial entities from meeting other requirements of the City of Lenoir Charter Code of Ordinances, including but not limited to *Appendix A – Zoning*.

**Sec. 17-4. – Burning or burying garbage or refuse.**

It shall be unlawful to burn or set fire to or bury any garbage for the purpose of disposal. Fines will be accessed as specified in Sec.17-29.

**Secs. 17-5. – Service to disabled persons.**

(a) For disabled persons or those requiring special consideration, rollout containers will be collected on a scheduled collection day provided that prior approval has been granted by the City, based upon an exemption form submitted to and approved by the Public Works Director or his designee.

(b) The City reserves the right to periodically verify the need to continue special services to disabled residents that have been approved to receive such services. The City may from time to time continue or discontinue such service, as appropriate.

(c) The Public Works Director or his designee and the resident will determine the proper location of rollout containers for disabled residents.

**Secs. 17-6.—17-20. - Reserved.**

**ARTICLE II. - REFUSE COLLECTION**

**Sec. 17-21. - Collection frequency and conditions for collection.**

(a) No person shall place or cause to be placed any loose refuse on the ground, unless specified otherwise below, or allow such to accumulate beside buildings longer than is reasonably necessary to remove and deposit same in approved containers as required herein.

(b) City refuse collectors shall not enter into buildings or leave the designated street right-of-way for the purpose of gathering and collecting refuse without prior approval of the Public Works Director or his designee. Approval shall be granted or denied based on the conditions set forth in Sec. 17.5.

(c) All refuse shall have the liquid drained therefrom and shall be wrapped in paper or other material before it is placed in the container for curbside collection.

(d) Ashes and cinders shall be placed in a separate container and no ashes shall be deposited in any container until they are cold.

(e) It shall be unlawful to remove or discard clothing, bedding, mattresses, springs, or other solid waste from homes or other places where highly infectious diseases have recently occurred unless performed under the supervision and direction of the Caldwell County Health Department. Such solid waste shall not be placed at curbside for collection and disposal by the City but shall be disposed of by the resident in a manner that conforms with all applicable local, state, and federal regulations.

(f) It shall be unlawful for any person to dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering such item(s) inoperable and incapable of reuse or without safeguarding the disposal thereof by placing them in a secure container so as to avoid the possibility of causing injury to collection personnel.

(g) Animal feces must be double bagged and securely tied before placing in the rollout cart for collection.

(h) Soiled baby diapers must be double bagged and securely tied before placing in the rollout cart for collection.

(i) All commercial businesses or industrial establishments shall use either refuse containers contracted through a private collection entity for refuse storage and disposal or City roll-out containers.

Such refuse shall be at the volume comparable to a residential sanitation account, unless specified in (k) below. All properly placed roll-out refuse container/s will be picked up on the designated day.

(j) Establishments in the downtown area, bounded by Norwood, Ridge, Ashe, Willow and College shall place roll-out containers on the street between 10:00 a.m. and 12:00 noon on Monday, Wednesday and Friday only. No collections will be made for this area on Tuesday, Thursday and Saturday.

(k) All bulk pickup will be collected, as defined below, on a prearranged and "as needed" schedule. Persons shall contact the City to establish needed pickup. A fee will be assessed for bulk pickup, as defined on the City's fee schedule.

#### **Sec 17-22. – Refuse storage, roll out container/s.**

(a) Residential sanitation accounts - Every person producing or having refuse on residential property shall use the refuse container/s provided by the City to store all refuse from one collection cycle to the next. Only one container per residential address will be provided. Further containers, not to exceed three, may be leased from the City for a monthly rate, as specified on the City's fee schedule.

(b) Commercial/Industrial sanitation accounts –Only two containers per commercial or industrial establishment will be provided. Further containers, not to exceed six, may be leased from the City for a monthly rate, as specified on the City's fee schedule.

(c) Refuse containers shall not weigh more than 100 lbs. when filled. All refuse shall be placed in the container and container/s shall be placed in a location that provides five feet of clear space around the container – including, but not limited to mailboxes, other containers, landscaping, and cars, or in a location designated by sanitation personnel, and placed with lid opening toward the street or collection will not occur.

(d) City will perform maintenance on the City leased containers as needed, however the lessee is responsible for the wellbeing of the container. No markings shall be placed on the containers by the lessee, i.e. not limited to numbers, letter, and colors. Should a container become damaged or missing due to negligence, the replacement cost for the container will be assessed to the lessee. Continual negligence will result in a fine, reference Sec.17-29. The lessee is responsible to notify the City of needed maintenance.

(e) Refuse containers shall be placed for collection in the designated collection area by 7:30 a.m. on the designated collection day. Containers not properly placed for collection will not be serviced. Refuse containers shall not be placed on the street right-of-way (including sidewalks) for more than 24 hours following collection. A fine will be assessed as referenced in Sec. 17-29 (a).

(f) Should roll-out containers continually become overloaded the sanitation account holder will be required to lease additional containers, not to exceed the maximum as referenced in Sec. 17-22 (a) and (b). Should the maximum number of containers be reached, and the problem remains, then the sanitation account holder will be subject to fines as defined in Sec. 17-29 (a).

#### **Sec.17-23. - Refuse - organic plant based materials.**

(a) Tree limbs and trimmings shall not be placed on any street, including within the curb and gutter or sidewalk that will obstruct free passage of persons and/or vehicles. Tree limbs and trimmings shall not exceed six feet in length or four inches in diameter. The City will only collect tree limbs and trimmings that do not exceed six feet in length or six feet in depth, or five feet in height. Blunt or cut end of limbs shall face the same direction and be placed toward the street. Tree limb and trimming material shall not be placed in refuse or yard waste roll-out containers.

(b) Roll-out containers previously purchased from the City's sanitation department may be used exclusively for yard waste, subject to subsection (d) below. New yard waste roll-out containers may be

purchased from the City at a rate specified on the City's fee schedule. Sanitation account holders are responsible for the maintenance and wellbeing of the yard waste roll-out container.

(c) Leaves will be collected with vacuum trucks when raked in piles to the front or side street property line from October 15 to January 15 only; dates are subject to change based on City's discretion. Leaf accumulations at any other time outside the above date shall be put in yard waste roll-out containers separate from refuse and be placed on the front or side street property line to be collected during the designated yard waste collection cycle.

(d) All shrubbery and lawn clippings shall be put in a yard waste roll-out container separate from refuse and be placed on the front or side street property line to be collected during the designated yard waste collection cycle. Bagged yard waste will not be collected.

**Sec. 17-24. – Refuse – code enforcement.**

(a) For any refuse allowed to accumulate over a period of time on a vacant or abandoned lot, building, or structure, where any enforcement agency requires that the property be cleaned and cleared of refuse and/or excessive yard waste and debris, the owner shall be responsible for disposing of the refuse as directed by the agency.

(b) City staff will not collect refuse of any type on properties where solid waste fees are not being paid. Solid waste account holders in good standing may arrange for the City to collect refuse from vacant or abandoned properties provided other requirements of this chapter are met.

**Sec. 17-25. - Refuse - contractor.**

The City will not collect refuse resulting from home building, demolition, and landscape or building improvements performed by contractors, or those persons or firms hired to perform work at any property in the City where said work generates refuse of this type and kind. The responsibility for removal and disposal rests with the contracting agency creating the refuse or the property owner. When a property owner or tenant makes the improvement on the property or the leased property, the City will collect the refuse provided it is in compliance with section 17-23. With the exception of landscape plant material, all other refuse shall be considered bulk pickup and will be subject to a fee. Property owners and/or tenants are responsible to notify the City when bulk pickup is needed.

**Sec. 17-26. –Refuse – whitegoods.**

The City will collect white goods, such as but not limited to, refrigerators, washing machines, and dishwashers. The City will not pickup microwaves. White goods shall be considered bulk pickup and will be subject to a fee. Property owners and/or tenants are responsible to notify the City when bulk pickup is needed.

**Sec. 17-27. – Roll-off dumpster.**

The City will lease and deliver a roll-off dumpster for the collection of acceptable refuse to a sanitation account holder for a period not to exceed two weeks at a rate specified on the City's fee schedule. The dumpster will be placed in an accessible location at the discretion of the driver. Upon completion of the lease, or when notified by the renter, the City will obtain the dumpster and dispose of the collected refuse. Landfill tipping fees shall be the responsibility of the renter and will be assessed after disposal. The City will not lease to unpaid sanitation account holders. At the discretion of the Public Works Director or his designee, parties seeking a rental period longer than two weeks will be considered on a case-by-case basis. All applicable fees will apply for rental periods longer than two weeks.

**Sec. 17-28. - Materials not collected.**

Sanitation account holders shall not discard any of the following items below within refuse roll-out containers, yard waste roll-out containers, roll-off dumpsters or any other refuse containers, or placed on the curb to be collected as a bulk pickup request:

- (a) Used passenger cars, buses, trucks, boats or any vehicle designed to be self-propelled or pulled,
- (b) Tires,
- (c) Batteries,
- (d) Hazardous waste such as, but not limited to, paint thinner, paint, ammonia, and industrial cleaners,
- (e) Florescent light bulbs,
- (f) Large cardboard shipping cartons for collection, if the material is not flattened and bundled to prevent scattering,
- (g) Electronics,
- (h) Tree stumps,
- (i) Microwaves,
- (j) Building materials, and
- (k) All other items not listed that are determined to be highly inflammable, combustible, poisonous or explosive material which could present a hazard to the health or safety of sanitation personnel and equipment.

Sanitation account holders are encouraged to recycle batteries, light bulbs, cardboard and electronics by depositing these materials at the City's designated recycling collection site.

**Sec. 17-29. - Violations.**

(a) Any person violating, failing, refusing or neglecting to comply with any provisions of this article shall be assessed a penalty of \$50.00 each and every day during which such violation continues and shall be a separate and distinct offense.

(b) Chronic violators of sec 17-22 (e) and (f) are subject to increase fines, if back to back violations occur within a 90 day period – \$50.00 dollars for the first violation, \$100.00 dollars for the second violation, and \$150.00 dollars for the third violation.

(c) All fines are to be paid within 30 days of each issued citation.

**Secs. 17-30. – 17-40. – Reserved.**

(Code 1977, Amendments 2011, April 2020)