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GENERAL PROVISIONS

§ 50A.1 DEFINITIONS

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

Animal and Agricultural Wastes. Principally, the manure and crop residue from various agricultural pursuits including dairying and raising of livestock and poultry. Animal waste also includes, in addition to items mentioned above, wastes from stables, kennels, pet pens, chicken coops, veterinary establishments, and the like.

Ashes. The residue from the burning of wood, coal, coke, and other combustible material in homes, stores, institutions and small industrial establishments for the purposes of heating, cooking, and disposing of combustible waste materials. Ashes shall contain no live embers or other burning materials.

Building Rubbish. Any materials or other substances accumulated as a result of repairs or additions to existing building, construction of new buildings, demolition of existing buildings, or moving of buildings, including but not limited to bricks, stone, concrete, wood, lumber, siding, shingles of any type, and the like. Also, referred to as construction material.

Commercial Parcel (Property). Commercial parcels are those in which the primary use of the parcel in non-residential, such as a retail establishment, offices, flex-space, warehousing and/or restaurants. Churches may also be classified as Commercial, as are multi-family parcels containing six (6) or more units. (Ord. 1976, passed 11-25-13)

Contracted Services (Yard Waste). Any tree or shrubbery trimming resulting from work performed by landscaping or tree service contractors or other commercial workers, including, but not limited to land clearing work. This shall also apply to any job performed by anyone, including friends, family or neighbors for pay and also including the owner or resident of the property, that is of such scale that heavy equipment as used by contractors is needed to complete the work.

Dead Animals. Those animals that die naturally or from disease or are killed accidentally. Condemned animals or parts from slaughterhouses or similar places are not included in this item.

1. Small Dead Animals. Dogs, cats, rabbits, squirrels, chickens, rats, and other similar animals. Small animals must be placed in plastic bags before disposal in any rollout.

2. Large Dead Animals. Horses, cows, goats, sheep, hogs, and other similar animals. Large animals must be disposed of by the owner of the same.

Garbage. The byproduct of animal or vegetable foodstuffs, resulting from the handling, preparation, cooking, and serving of food, or other matter which is subject to decomposition, decay, putrefaction, or the generation of noxious or offensive gases or odors, or which during or after decay may serve as breeding or feeding material for flies, other insects, or animals.

Hazardous Waste. Any waste accumulation meeting the definitions as spelled out in 40 CFR 261.3.

Household Hazardous Waste. *(HHW)* Hazardous refuse generated in normal residential activities, and may consist of items such as paints and thinners, pesticides, herbicides, cleaners, batteries, electronic waste, etc.

Household Trash. Any waste accumulation of paper, sweepings, dust, rags, bottles, cans, or other matter of any kinds, other than garbage, which is usually attendant to housekeeping

Household or Residential Bulk Items. Items generated from single-family residential units such as home furnishings, mattresses, etc., also see White Goods.

Industrial Waste. All waste, including solids, semi- solids, sludge and liquids, created by factories, processing plants, or manufacturing enterprises.

Junk. Any item, including but not limited to, dilapidated furniture, appliances, machinery, equipment, building materials, automobile parts, tires, or other items which are either in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition.

Litter. An illegally discarded man-made material including but not limited to, building materials, business trash, garbage, household trash, industrial waste, refuse, yard trash, and other solid wastes.

Multi-Residential Unit. Any duplex, apartment, group of apartments or condominiums, or housing units designed for or occupied by more than one family, not to exceed 5 units or a single site. Complexes containing six (6) or more units must privately contract for dumpster service.

Normal Use (Roll out Container), Residential. Placement of any variety of both combustible and noncombustible solid waste materials from households, including such items as plastic, waste paper, rags, sweepings, and similar waste

materials ordinarily accumulated around a house. The list shall not include any HHW.

Normal Use (Roll out Container), Small Business. Placement of any variety of both combustible and non-combustible solid waste materials from business, including such items as plastic, waste paper, rags, sweepings, and similar waste materials ordinarily accumulated in general business operations. This list shall not include oil, oil cans, paint/paint thinners, and the like, nor any hazardous waste.

Parcel. A separate, distinct section of land with its own Tax ID number in the county tax system.

Private Property. Property owned by any person, not a political entity, including but not limited to yards, grounds, driveways, entrances of passageways, parking areas, storage areas, vacant land, and bodies of water, including sidewalks, grass strips, one-half of alleys, curbs, or rights- of-way up to the edge of the pavement of any public street.

Public Works Director. The Public Works Director for the Town of Matthews or his designee.

Recyclable Material. Newspapers, magazines, glass bottles, steel and aluminum cans and plastic drink bottles or other such material as designated by the Public Works Director.

Refuse. Solid waste consisting of garbage, household trash, or business trash.

Roll Cart. A plastic, mobile, top-loading, residential refuse container of 90-gallon capacity compatible to the Town's collection equipment. Sometimes called a rollout.

Single Residential Unit. Any dwelling place designed for or occupied by one family.

White Goods. Residential appliances such as washers, dryers, stoves, window A/C units, and similar items.

Yard Waste. Accumulation of lawn, grass, or shrubbery cuttings or clippings, bushes, limbs, and dry leaf rakings free of dirt, rocks, large branches, and bulky or non- combustible material.

§ 50A.2 PUBLIC WORKS DIRECTOR

The Public Works Director shall be responsible for the implementation of this section. Any decision of the Public Works Director, or his designees, may be appealed to the Town Manager, whose decision shall be final.

§ 50A.3 DISPOSAL OF REFUSE IN TOWN LIMITS BY NONRESIDENT PROHIBITED

A. It shall be unlawful for any person, firm, or a corporation not a resident of the Town to bring trash, refuse, rubbish, or other forms of waste into the Town and to discard it or to deposit it for collection by the Town. An example of a violation of this section is a person who owns or is employed by a business within the Town limits, but who lives outside the Town limits, bringing his household garbage into the Town and depositing it or otherwise leaving it for collection by the Town.

B. Ownership of trash, refuse, rubbish, or other forms of waste, including designated recyclable material, set out or placed in receptacles for collection by the Town shall be vested in the Town.

§ 50A.4 PROHIBITED DISPOSAL OF WASTES.

A. Prohibited disposal of wastes generally.

1. It shall be unlawful for any person to dump, throw, or otherwise deposit upon any Town street or sidewalk, or in any public place not designated for such purposes, any scrap paper, bottles, cans, glass, rags, feathers, building material scraps, tree and shrubbery trimmings, liquid wastes, lubricating or fuel

oil, flammable or combustible wastes or any other trash, refuse, or debris.

2. It shall be unlawful for any person to obstruct or cause to be obstructed the free flow of water in, over, along, upon, or through any drainage way in any public street or other public way, or in any creek, stream, or other natural drainage course within the Town limits by depositing any trash, refuse, tree or shrubbery trimmings, building material scraps, or other matter therein. (See Chapter 52 Matthews Code)

3. It shall be unlawful for any person to dump, deposit, or cause any gasoline, fuel oil, or other flammable liquid, or any wastes containing a toxic or poisonous substance, or any lubricating oil, grease or detergent, to drain into any drainage ditch, street gutter, culvert, or other drainage way in any public street or other public way or in any creek, stream, or other natural drainage course within the Town limits (Chapter 52 Matthews Code). It shall also be illegal to place any type of lubricating oil, or other above named materials in any container provided by the Town for garbage pickup. All lubricating oils should be taken to recycling centers.

4. No person shall throw, drop, or deposit, or cause to be thrown, dropped, or deposited on any land in the Town (vacant or occupied), including specifically streets, alleys, sidewalks, or other public and semi-public areas, or in any waters under jurisdiction of the Town, any wastes (including but not limited to refuse, garbage, ashes, rubbish, dead animals or fish, paper, drinking cups, broken glass, tacks, brush, grass, weeds, and anything injurious to health). If any person, while transporting or hauling, or causing to be transported or hauled such rubbish, material, earth excavation, coal, or other materials, shall throw, drop, or deposit, or cause to be thrown, dropped, or deposited, such rubbish or material from the body of a vehicle, in violation of the provisions of this section, such persons must daily clean up and remove such rubbish or material in a manner satisfactory to the Director of Public Works, failing which, the Department may clean up and remove such rubbish and material, and the Town may collect the cost of such cleaning up and removal from such persons.

B. Waste matter subject to scattering. It shall be unlawful for any person to deposit or permit to accumulate any waste matter or refuse of any description which is subject to scattering by animals or the elements of nature on that part of any property which is adjacent to a street or public place.

§ 50A.5 TRANSPORTATION OF REFUSE

No garbage, kitchen waste, or refuse shall be transported through the Town streets except in watertight metal containers with tight fitting covers. All other loads must be covered.

§ 50A.6 DEPOSITING DEBRIS IN CATCH BASINS, MANHOLES, OR DRAINS

No person shall throw, drop, or deposit grass clippings, leaves, shrubs, or any other debris into any catch basin, manhole, or drainage ditch or structure in the Town. (See Section 52 Matthews Code)

§50A.7 APPLIANCES, REFRIGERATORS OR CONTAINERS LEFT OUTSIDE PROHIBITED; EXCEPTION

It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator or container. This subchapter shall not apply to any appliance, refrigerator or container which has been placed on or adjacent to the rear of a building and is crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof.

REFUSE COLLECTION SERVICE

§ 50A.10 PERMIT REQUIRED TO ENGAGE IN BUSINESS OF WASTE COLLECTION

No person shall engage in the business of collecting, hauling, or transporting in the Town, any waste without first

obtaining a permit from the Public Works Director. A Town Business License shall also be required. Tax-exempt charitable organizations shall be exempt from this requirement if they are collecting household goods from residents with their approval.

§ 50A.11 COLLECTION PRACTICES

A. Except as otherwise provided in this sub chapter, and except in the case of emergency arising from an act of God or other circumstances over which the Public Works Department has no control, the Public Works Department or its agents will attempt to collect, remove, and dispose of certain refuse in residential sections of the Town once per week. In the event of inclement weather events, such as ice or snow, schedules may be adjusted as conditions and safety factors warrant. Schedule updates will be posted on the Town web site.

B. Industrial waste shall be collected, removed, and disposed of by the operator of the factory, plant, or enterprise creating or causing the same in accordance with applicable provisions of this code.

C. Building rubbish, including items from large scale inside work, carpet, padding, and the like, shall be collected, removed, and disposed of by the contractor or person constructing, repairing, or demolishing any building, or in their failure to do so, by the owner of the property. Building rubbish shall not be collected by the Town.

D. No refuse shall be collected where refuse receptacles cannot be serviced by sanitation personnel without unlocking, opening, or reaching over a door, gate, or similar obstacle, encountering a porch, carport, or garage, encountering a dog, or otherwise being denied reasonable access by parked vehicles, yard tools, equipment, or similar object. Generally roll out carts and recycling containers must be placed at curbside for collection.

E. Once an established collection route is established, any changes shall be advertised in the local newspaper and on the Town Website once at least 15 days before such changes become effective; provided, that such notice may be given by other means and within a lesser period of time in cases of emergency.

§ 50A.12 CONTAINERS FOR REFUSE; REGULATIONS

A. Every person owning or occupying a single and/or multi-family residential unit shall store all garbage and refuse in containers, as specified herein, so as to eliminate wind driven debris and unsightly litter in and about their premises.

B. Each single-family unit, not using dumpster service, shall use one 90-gallon rollout container, so long as the containers are provided by the Town or its contractors. Additional containers, if needed, may be obtained, when supplies permit, by the payment of an annual fee calculated as the product of the monthly charge per household per month times twelve (12) times number of extra containers. Additional containers shall be limited to two. Each container will be assigned by the Town and will remain the property of the Town or its contractor. The container shall not be moved from the residence where assigned.

   Residents who on occasion have more material than can be held in a single container may place the excess in a plastic bag, with the container for set out. If in the opinion of the Public Works Director that this use is excessive, then he may require the residence to obtain an additional container or may refuse to collect the excess.

C. In the case of small business locations, the Town or its contractors, will provide one rollout per business parcel.

   Additional containers, up to two, may be obtained, when supplies permit, by the payment of an annual fee calculated as the product of the monthly small business charge, times 12, times the number of additional containers. Businesses requiring more than three rollouts must contract for private dumpster service. In business locations where in the sole opinion of the Public Works Director, it is neither feasible or desirable to a place dumpster, the Director may authorize the use of additional rollouts. The additional per rollout charge shall apply to any additional rollouts so authorized.

D. Containers shall be used for the purpose of holding regular household type refuse. No items such as sticks, yard clippings, leaves, and the like may be placed in rollout containers, used for garbage.

E. Stones, bricks, iron items, and the like shall not be placed in the containers.

F. The Town will be responsible for repairing or replacing containers only for normal wear and tear. All other damage to the containers may be assessed against the property owner and/or tenant of the property. This policy shall also apply to missing containers. Residents should call the Public Works Department when rollout carts need repairs.

G. Residents are required to clean rollout containers when needed to keep down odor and insects.

H. The Town may refuse to collect the following types of solid wastes and it shall be unlawful for any person to place any of the following in any container or receptacle for collection by the Town:

1. Hazardous refuse and industrial waste. All such refuse shall be stored in suitable leak proof containers that will ensure that no such refuse or wastes leak or spill onto any public or private property. It shall be the responsibility of the person in possession of the premises to see that it is disposed of properly.

2. Oils, lubricants or any other type matter that may damage the container, cause it to leak, erode wheel parts, or violate any state or federal disposal laws.

3. Contagious disease refuses. The removal of clothing, bedding, or other refuse from homes or the places where highly infectious diseases have occurred shall be performed under the supervisor and direction of the County Health Department.

4. Material defined as biohazards.

5. Materials of any kind or nature, including ashes, that contains any hot or live coals or fire.

6. Raw or uncooked seafood or meats unless tightly wrapped in plastic bags.

7. Dead animals of any sort, except as spelled out in Sec. 50A.1

8. Hypodermic needles and/or any other sharp object.

9. Paints, thinners and other such HHW items. Latex paint may be disposed of but must be dried first and not be in a liquid state.

10. Computer parts, TVs and other electronic equipment.

11. Building rubbish

12. Tires, automobile wheels and other auto parts

13. Any other items that are banned from disposal in the Landfill, or in the opinion of the Public Works Director should not be collected. (Ord. 1976, passed 11-25-13)

After warning, violations of this section may result in penalties as spelled out in this chapter.

§ 50A.13 STORAGE OF REFUSE

A. Each owner and every occupant or other person in control of any building or land in the Town, including vacant property, shall keep the same in a clean and orderly condition and shall deposit refuse for collection in accordance with the provisions of this sub chapter and the regulations of the Director of Public Works. All refuse shall be stored in containers complying with this code.

B. Persons occupying business buildings shall store cardboard boxes inside the building unless stored in

automatic containers

§ 50A.14 PRE-COLLECTION PRACTICES

The occupant, whether owners or tenants, of single and multi-family residential units requiring a rollout cart in which to store their refuse shall adhere to the following collection practices:

A. Garbage and general rubbish shall be stored only in receptacles approved by 50A.12 of this chapter and such receptacles shall be covered at all times.

B. All dangerous trash items such as broken glass, light bulbs, and the like, shall be securely wrapped to prevent injury to collection crews. Boxes should be broken down prior to collection.

C. All garbage and refuse shall have liquid drained before it is placed in the container for collection.

§ 50A.15 POINT OF COLLECTION

A. Time of Collection. Garbage and recycling containers when set out for collection shall be placed at a location as shall be designated by the Public Works Director not more than 24 hours before the time set for collection thereof nor later than 7:00 a.m. (6:30 a.m. daylight-saving time) the day of collection and the containers shall be returned to the principal structure or moved at least 50 feet from the curb or street right-of-way prior to 9:00 p.m. on the date of collection. (Ord. No. 1641, passed 10-14-08)

B. Disabled Provisions. In the event a resident is physically unable to place the cart at the curbside. Residents may request and will receive backyard pick-up for 30 days without getting a doctor's certification. At the end of 30 days, if they want to continue with backyard pick-up, they must submit a doctor's certification.

C. Business Building Collection. Business building collection areas shall be from the rear, side, or in certain cases, front. Where front collection points are used, empty containers shall not be left on the street after sundown of collection day. The best collection location for businesses shall be determined by the Public Works Director.

D. Street Litter Containers. Businesses shall not use street litter containers for the disposal of business- generated trash.

E. Household Bulk Items. Upon request, the Town will collect normal household discarded furniture, including sofas, chairs, bedding, and the like. Request shall be made to the Department of Public Works or its contracted agents for scheduling. Items for collection shall be placed at curbside on day of scheduled collection. This service shall be available to residential premises only. The Town shall not collect more than two (2) bulk items per residential unit per week. (Ord. 1976, passed 11-25-13)

F. Appliances (White Goods). Appliances will be picked up on an as-needed schedule. Residents shall contact the Public Works Department or its contracted agents to schedule collection. The Town shall not collect more than two (2) white good items per residential unit per week. (Ord. 1976, passed 11-25-13)

G. The owner or owner's agent for multi-family units with five (5) or fewer units shall provide a central location area for placement of rollout containers for pick-up. This location shall be one that meets the standards set forth in this chapter and it will be subject to approval of the Department of Public Works. Multi-family complexes with six (6) or more units must contract for private collection service.

§ 50A.16 MULTI-FAMILY SANITATION SERVICES

A. The Town, either itself or through its agents, will provide residential garbage collection service on the same basis as single-family residences to any multi- family complex that has five (5) or fewer units.

B. Multi-family facilities with 6 or more units must contract for collection.

C. All multi-family facilities at which the Town provides garbage collection service under this section shall also participate in the Town's recycling program.

§50A.17 YARD WASTE COLLECTION PRACTICES

Yard waste service is provided at single-family residences and multi-family locations with five (5) or fewer units. It is not provided to commercial locations. Townhouse-type developments with master landscape contracts shall be responsible to dispose of their generated yard waste, generated either by contractors or individual residences. (Ord. 1976, passed 11-25-13)

Tree, hedge, and shrubbery trimmings shall be placed at the curb for collection in accordance with the following guidelines:

A. Limbs and brush larger than one (1) inch in diameter, but smaller than six (6) inches in diameter, must be cut not to exceed six (6) feet in length. Tree trunks and limbs larger than six (6) inches in diameter must not exceed two (2) feet in length and must not weigh more than fifty (50) pounds. Generally, limbs and trunks larger than ten (10) inches in diameter are too heavy for collection. (Ord. 1976, passed 11-25-13)

B. Tree and shrubbery limbs shall have protruding branches or limbs trimmed off. Small limbs of a size that might be blown about and scattered by the elements, shall be effectively tied so as to avoid wind driven debris and unsightly litter condition. Thorny vegetation shall be placed near the curb in small, neat piles.

C. Collection of tree and shrubbery trimmings shall be limited to amount one man can collect per week per residence in 20 minutes. Additional service may be approved by the Public Works Director upon request, for unusual circumstances.

D. Tree limbs should be separated from smaller shrubbery trimmings and all yard waste shall be put in piles separate from other general debris.

E. Limbs and cuttings must be placed with butt or cut ends toward the street or public alley and must be of the size that can be handled by one person.

F. The Town shall not collect, remove, or assist in the removal of tree stumps, small lots, tree trunks, heavy grass or dirt resulting from the clearing of property of any kind. It shall be unlawful for any person to place or deposit any such item at curb side at any time. (Ord. 1976, passed 11-25-13)

G. Leaves and grass clippings must be placed in clear plastic bags or open receptacles. Bags that are not clear must be left open for inspection by the driver. No more than 20 bags will be collected per household per week.

H. Yard waste shall not be mixed with any other garbage or trash. Yard waste found to be mixed will not be collected until it has been separated and after warning, additional violations may result on penalties as spelled out in this Chapter.

I. In the event of a declared disaster these limitations may be temporary suspended at the direction of the Public Works Director and approval of the Town Manager.

§ 50A.19 RECYCLING SERVICE

The Town, at its discretion, may provide residential recycling service. Items subject to recycling shall be placed in bins as provided by the Town and placed at curbside on designated collection days. Items recycled are newspapers, magazines, cardboard (boxes must be broken down) cut to pieces not to exceed 36" X 36", "junk" mail, other paper, plastic milk jugs and other drink bottles, steel and aluminum cans. No other items shall be placed in recycling bins. This list may be changed from time to time with notice in the Town newsletter and website.

§ 50A.20 PRIVATE STREETS

Collection shall not be made from private streets or private vehicle areas unless the party responsible for the street provides a written waver of accountability for any damage collection vehicles may cause to the streets or areas. A private street is a street or private vehicle area, such as a parking lot, that has not been accepted by the Town or State for maintenance.

§ 50A.21 COLLECTION OF DISPOSAL FEES

The Town Board may establish and fix from time to time such charges and other fees as necessary, to cover the costs of sanitation and disposal services within the Town, including recycling, bulk items, household hazardous waste, white goods and yard waste services.

HAZARDOUS AND INDUSTRIAL WASTES

§ 50A.26 HAZARDOUS MATERIALS.

It shall be unlawful to place any hazardous refuse, as defined in 50A.01 of this chapter, in any receptacle used for collection by the Town. It shall be unlawful to place in any container, at curbside, or in any catch basin, manhole, or drainage ditch, or structure, any materials considered to be hazardous refuse by the U.S. EPA or any other responsible agency. The Town, at its discretion, may conduct household hazardous waste collections annually.

§ 50A.27 INDUSTRIAL WASTES.

The Town shall not collect any type industrial wastes, be they solid, liquid, hazardous, or highly combustible. It shall be unlawful to place industrial waste in any container or receptacle for collection by the Town. Industrial waste shall be collected, removed, and disposed of by the operator of the factory or industry, or business creating the same.

PENALTIES

§ 50A.30 PENALTY

A. A civil penalty of $25.00 for the first violation is hereby assessed. A second violation of this Chapter shall result in a $50.00 civil penalty, and a third and all subsequent violations shall result in a civil penalty of $100.00

per violation.

B. The Town, at its discretion, may charge a violator with a misdemeanor and the violator shall be subject to a fine of up to $500.00 and/or thirty (30) days in jail pursuant to GS 14-4. (Ord. 1523, passed 12-11-06)

C. The Public Works Director, or his designee, shall be authorized to issue to persons violating the terms of this ordinance a civil citation in the amounts shown in Section (A) above. Any person to whom a civil citation has been issued may appeal to the Town Manager, whose decision shall be final. Civil penalties shall be paid within ten (10) business days of the issuance, unless appealed. Failure to appeal in ten (10) business days shall result in an additional late penalty of $25. Penalties shall be collected in the form of a debt. (Ord. 1976, passed 11-25-13)