

## **CHAPTER 12: SOLID WASTE**

Article

### **I. DEFINITIONS**

### **II. IN GENERAL**

### **III. GARBAGE AND REFUSE**

### **IV. YARD RUBBISH, TIRES AND TRASH**

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## ARTICLE I: DEFINITIONS

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

***BUILDING MATERIAL SCRAP.*** Shall include, but not be limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber, any other similar material, and the containers or wrappings therefrom, used in the construction, destruction, reconstruction, remodeling or repair of a building, walkway, driveway, sign or other structure.

***CITY.*** The incorporated area of the City of Eden.

***COMMERCIAL CONTAINER.*** Any four-, six- or eight-cubic-yard container as approved by the city.

***CONTAINERIZED.*** Yard rubbish and yard trash that has been placed in a box, garbage can or plastic bag.

***CONTRACTOR.*** Any person undertaking, for a valuable consideration, to do any work on the property of any person or owner.

***DISPOSAL.*** The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land so that such solid waste, or any constituent thereof, may enter the environment, be emitted into the air, or be discharged into any water, including ground waters.

***GARBAGE.*** All food waste, and all cans, glassware, crockery, bags, boxes and other containers in which any such matter has been kept or stored.

***HAZARDOUS WASTE.*** A solid waste, or combination of solid wastes, that, because of quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or in serious irreversible or incapacitating invertible illness, or pose a substantial present or potential hazard to human health or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed.

***INDUSTRIAL WASTE.*** Solid waste generated from processing plants, factories or manufacturing operations that is not hazardous waste.

***LAND-CLEARING AND INERT DEBRIS.*** Solid waste generated from land-clearing activities, such as stumps, tree limbs, brush, concrete, brick, concrete block, uncontaminated soil, gravel, rock, untreated and unpainted wood, and yard rubbish.

**OWNER.** Any person actually owning, having legal control over or legal possession of the property, including but not limited to, life tenants and lessees.

**PERSON.** An individual, corporation, company, association, partnership, unit of local government, authority, state agency, federal agency or other legal entity.

**PROPERTY.** Any lot, parcel or tract of land in the city.

**RECYCLING.** The process by which recovered resources are transformed into new products in such a manner that the original products lose their identity.

**REFUSE.** All trash, debris, floor sweepings, containers and wrappings for merchandise, ashes, cinders and other matter, except garbage, building material scraps, industrial waste, yard rubbish and trash, and other matter as defined in this chapter.

**SCRAP WOOD WASTE.** All wood waste deriving from the construction, destruction, remodeling or stockpiling of treated or untreated wood and structural material, including building material scraps or similar material.

**SERVICE AREA.** The incorporated areas within the city.

**SOLID WASTE.** Any **SOLID WASTE**, as defined in Chapter BOA of the General Statutes of North Carolina, resulting from the operation of residential, commercial, industrial, federal, state, special district, other governmental or institutional establishments that would normally be collected, processed and disposed of through a public or private solid waste management service; but does not include hazardous waste or **SOLID WASTE** from mining or agricultural operations, as defined in Chapter BOA of the North Carolina General Statutes.

(1) **BULK WASTE.** Waste that, because of its characterization, requires special handling for collection, recycling and/or disposal.

(2) **BULK YARD WASTE.** Trees, sections of tree trunks, roots, and tree limbs, leaves deriving from the natural growth of trees, shrubbery, weeds or other plants exceeding six inches in length.

(3) **FINE YARD WASTE.** Leaves, grass trimmings and other trimmings deriving from natural growth of trees or other vegetative growth not exceeding six inches in length, excluding dirt, rock or any other non-vegetative waste.

(4) **RESTRICTED WASTE.** Waste that, because of its nature, cannot be disposed of in a sanitary landfill and requires special methods for collection or disposal.  
( '89 Code, §§ 12-1, 12-26) (Am. Ord. passed 8-30-94; Am. Ord. passed 6-21-05)

## ARTICLE II: IN GENERAL

### Section

- 12-1 Purpose and intent
- 12-2 Responsibility of owners and occupants for maintenance of property
- 12-3 Materials dropped from vehicles; cleanup; cost collected by city
- 12-4 Building material scrap and industrial waste - removal by property owner or contractor

### § 12-1 PURPOSE AND INTENT.

The intent and purpose of this chapter is:

(A) To regulate, in an environmentally safe manner, the collection, transport, separation, processing, recycling and disposal of solid waste, in order to protect the public health, safety and welfare; to enhance the environment for the city; and to recover resources with further potential usefulness;

(B) To adequately plan and provide efficient, environmentally acceptable solid waste management programs;

(C) To utilize all means reasonably available to promote efficient and proper methods of managing solid waste; and to promote the economical recovery of material and energy resources from solid waste.

(D) To promote the education of the general public and the training of solid waste professionals; to reduce the production of solid waste; to ensure proper disposal of solid waste; and to encourage recycling;

(E) To develop and implement recycling programs so that valuable materials may be returned to productive use; energy and natural resources may be conserved; and the useful life of solid waste disposal facilities may be extended.

(Am. Ord. passed 6-21-05)

### § 12-2 RESPONSIBILITY OF OWNERS AND OCCUPANTS FOR MAINTENANCE OF PROPERTY.

It shall be the responsibility of owners and occupants of property that yards, courts, driveways and vacant lots shall be kept clean and free of physical hazards, garbage, refuse, building material scrap, industrial waste, yard waste, human and animal waste, scrap metal, junk, old furniture and appliances, and

any other objects that would adversely affect the safety, health, sanitation, welfare and morals of other occupants, neighbors or the general public.

('89 Code, § 12-2) (Am. Ord. passed 6-21-05) Penalty, see § 12-90 *et seq.*

**§ 12-3 MATERIALS DROPPED FROM VEHICLES; CLEANUP; COST COLLECTED BY CITY.**

If any person, while transporting or hauling, or causing to be transported or hauled, any garbage, trash, or rubbish or earth excavation, coal or other material, shall throw, drop or deposit, or cause to be thrown, dropped or deposited, any such material from the body of the vehicle, such person shall promptly clean up and remove such rubbish or material in a manner satisfactory to the Solid Water Superintendent; failing which, the city may clean up and remove such rubbish and material. The city may collect the cost of the cleanup and removal from the responsible person.

('89 Code, § 12-3) (Am. Ord. passed 6-21-05) Penalty, see § 12-90 *et seq.*

**§ 12-4 BUILDING MATERIAL SCRAP AND INDUSTRIAL WASTE - REMOVAL BY PROPERTY OWNER OR CONTRACTOR.**

Building material scrap and industrial waste shall be removed by contractors or property owners. Any such materials found in the right-of-way shall be immediately removed by the city, and costs of such removal will be billed to the property owner.

('89 Code, § 12-4) (Am. Ord. passed 6-21-05) Penalty, see § 12-90 *et seq.*

### ARTICLE III: GARBAGE AND REFUSE

#### Section

- 12-26 Unnecessary accumulation prohibited
- 12-27 Burying garbage
- 12-28 Preparation for collection
- 12-29 Use of approved containers required
- 12-30 Waste container specifications for residences and commercial properties
- 12-31 Placement of roll-out refuse containers; collection schedule; removal from street right-of-way after emptying
- 12-32 Placing garbage in another person's container
- 12-33 Damage, displacement or interference with containers
- 12-34 Solid waste fees

#### **§ 12-26 UNNECESSARY ACCUMULATION PROHIBITED.**

All garbage and refuse shall be collected and placed in containers as required by this article, and it shall be unlawful for any person to permit garbage or refuse to accumulate or remain on any premises in his legal possession or control for longer than one week.

('89 Code, § 12-27) (Am. Ord. passed 6-21-05) Penalty, see § 12-90 *et seq.*

#### **§ 12-27 BURYING GARBAGE.**

It shall be unlawful to bury any garbage for the purpose of disposal, except at an approved landfill site.

('89 Code, § 12-28) (Am. Ord. passed 6-21-05) Penalty, see § 12-90 *et seq.*

#### **§ 12-28 PREPARATION FOR COLLECTION.**

All garbage shall have the liquid drained therefrom, and shall be placed in waterproof bags, before it is placed in a container for collection. Ashes shall be placed in a separate container before they are put in a city-approved container, and only after they are cold. Hot ashes will not be collected. It shall be unlawful to deposit any restricted waste in a collection container for disposal.

('89 Code, § 12-29) (Am. Ord. passed 6-21-05) Penalty, see § 12-90 *et seq.*

**§ 12-29 USE OF APPROVED CONTAINERS REQUIRED.**

It shall be unlawful for any person to throw, place or deposit any garbage or refuse of any kind on any public or private property, except in approved containers or as otherwise provided in this chapter. ('89 Code, § 12-31) (Am. Ord. passed 6-21-05) Penalty, see § 12-90 *et seq.*

**§ 12-30 WASTE CONTAINER SPECIFICATIONS FOR RESIDENCES AND COMMERCIAL PROPERTIES.**

(A) Containers for single-family residents, or commercial uses that are not required to have a commercial container as required by this article, shall be as provided by the city. All containers shall be kept in a clean and sanitary condition by users.

(1) Any resident, who believes the automated container assigned to their residence has been stolen, should first check the area to be sure the container is not in the general area. The property owner then should contact the Public Works Department to report the missing container, and to verify the container identification number if they do not remember it. After this has been done, the Public Works Department will file a report with the Police Department that the property has been stolen. The container will be replaced by the city. Multiple incidents will be investigated further.

(2) Containers damaged through misuse by user will be replaced by the resident/property owner. Examples of misuse include, but are not limited to, placing hot ashes, toxic or other hazardous waste, demolition or construction materials, or any types of waste that are restricted for disposal as household garbage.

(3) Containers damaged by vehicle traffic should be reported to the Police Department immediately, and measures are to be taken by the Police Department to locate the vehicle and driver. The container will be replaced by the city.

(4) Owners of apartment buildings and commercial establishments are required to provide containers on their premises and at their expense. Containers shall be of four-, six-, or eight-cubic-yard size, as required by the Solid Waste Superintendent. Containers shall be serviced privately or through a city contractor.

(B) Commercial waste containers or other large containers for solid waste storage or disposal are permitted in all commercial and industrial districts, and in multi-family residential developments; provided all requirements of this subsection are met, and all necessary permits are obtained. The provisions of this subsection shall apply to all non-residential development, multi-family residential developments and/or single-family attached residential developments that do not use roll-out containers for curbside solid waste pickup. No containers shall be permitted in any residential district, except for multi-family developments or for temporary use.



(1) *Location.* Whenever possible, containers shall be located behind the front building line of the principal structure. No container shall be placed in any area where it will block, or partially block, any street, sidewalk, public parking area or public right-of-way. Dumpsters shall be situated so that they are closer to the principal structure on the subject property than to any adjoining property line or public right-of-way.

(2) *Traffic and visibility.* No container shall be placed in any location that would interfere with visibility or impede normal traffic flow on any street or public right-of-way, any driveway, or any parking lot.

(3) *Utility access.* No container shall be situated in any location that would impede or prevent access to water meters, manholes or any other public utility.

(4) *Screening.* It is recommended that all containers be enclosed on at least three sides, and screened from public view by means of a solid fence or wall or a vegetative screen, as per the zoning ordinance.

(5) *Lids.* All containers shall have a lid that remains closed at all times, except when loading or emptying the container, in order to minimize potential contamination of storm water runoff, and to prevent items from being blown from the container.

(6) *Pads.* It is recommended that all containers shall be situated on a pad constructed of reinforced concrete or equivalent paving material. Drains must be plugged on all containers at all times.

(7) *Storm water runoff.* All containers shall be located a minimum of ten feet from any curb inlet, storm drain, creek or ditch, in order to minimize potential contamination of storm water runoff.

(8) *Common locations.* Wherever possible, effort should be made to locate multiple containers together in a common location. This would be most likely in concentrated business areas, such as Business-Central districts and shopping centers.

(9) *Temporary use.* Any container being used for a temporary purpose, such as construction or demolition, is exempt from the provisions of this section, except that no container shall be placed in any area where it will block, or partially block, any street, sidewalk, public parking area or public right-of-way.

(10) *Advertising.* No signs or advertisements shall be placed on either the container or the screen.

(11) *Removal of abandoned containers.* Any container not associated with an operating business or commercial property must be removed from the property within 90 days of the closing of the business or the cessation of the use. The owner of the solid waste container shall remove the container.

('89 Code, § 12-33) (Am. Ord. passed 6-21-05) Penalty, see § 12-90 *et seq.*

**§ 12-31 PLACEMENT OF ROLL-OUT REFUSE CONTAINERS; COLLECTION SCHEDULE; REMOVAL FROM STREET RIGHT-OF-WAY AFTER EMPTYING.**

(A) As used in this section, *CONTAINERS* shall mean those roll-out refuse containers owned by the city that have been distributed to any person, firm or corporation in the city.

(B) It shall be unlawful to:

(1) Place a container within the public right-of-way at any site other than the site designated by the city;

(2) Place a container within the public right-of-way prior to 24 hours before the day of collection;

(3) Place a container within the public right-of-way after 7:00 a.m. on the day the container is scheduled to be emptied;

(4) Fail to remove a roll-out container at a residential location from the public right-of-way within 24 hours following the date the container was scheduled to be emptied;

(5) To place a container at the curb for pickup, with a lid opening and failing to close with a gap of more than six inches.

(6) To place a container in such a fashion that it cannot be serviced, due to obstruction by objects.

(C) A collection schedule shall be kept on file in the Office of the City Clerk and the city's webpage.

(D) Notice of changes in the collection schedule shall be published in a newspaper that has general circulation in the city, a minimum of one time prior to a change in the collection schedule.

(Ord. passed 6-20-96; Am. Ord. passed 6-21-05) Penalty, see § 12-90 *et seq.*

**§ 12-32 PLACING GARBAGE IN ANOTHER PERSON'S CONTAINER.**

It shall be unlawful for any person, firm or corporation to dump, deposit, dispose of, or otherwise place any garbage, refuse, debris or waste of any kind in any garbage can, dumpster or other type of container made or used to hold garbage, refuse, debris or waste of any kind unless:

(A) Such person, firm or corporation is the owner or lessee of such garbage can, dumpster or other type of container; or

(B) Such person, firm or corporation shall have first obtained permission from the owner or lessee of such garbage can, dumpster or other type of container to use it for the dumping, depositing, disposing or placing of such materials.

(Ord. passed 4-20-93; Am. Ord. passed 6-21-05) Penalty, see § 12-90 *et seq.*

**§ 12-33 DAMAGE, DISPLACEMENT OR INTERFERENCE WITH CONTAINERS.**

It shall be unlawful for any person, except the owner or the owner's agent, or an authorized city employee, to damage, displace or otherwise interfere with garbage containers or the contents thereof. ('89 Code, § 12-39) (Am. Ord. passed 6-21-05) Penalty, see § 12-90 *et seq.*

**§ 12-34 SOLID WASTE FEES.**

(A) All developed real property, within the boundaries of the city, having an established water and or sewer connection to a utility system, and/or provided with one or more sanitation collection and disposal services by the city, shall be required to remit to the city a fee as designated by the City Council.

(B) With exception to item (A) above, all developed real property being apartment buildings and commercial establishments within the boundaries of the city, having an established water and or sewer connection to a utility system, and/or provided with one or more sanitation services, including but not limited to, sanitation containers of a minimum of four cubic yards, shall remit to the city a fee equal to the fee schedule as may be periodically enacted by the City Council for such services.

(C) The city shall determine how to levy and collect the subject fees in items (A) and (B) above, including but not limited to, notification and collection through water and/or sewer service billing or individual billing.

(D) The fees stated above shall be due and payable upon receipt of any instrument chosen by the city, and shall become delinquent 30 days after receipt of such notification. The fees are also payable in full, regardless of the amount of such services consumed or received for the period during which such services were available for use or consumption.

(E) The city shall be entitled to any and all available remedies, now and in the future, to enforce collection of these amounts.

(F) Payment of the subject fees does not provide any payer the right or privilege to reduce or otherwise pro rate any other duly authorized charge levied by the city.

(G) Established water and or sewer account holders, not including apartment buildings and commercial establishments within the city, may apply to the city to waive any solid waste fees for the period in which the following conditions apply:

(1) The property owner and or tenant provides a written statement that no solid waste services were used for the period covered by the solid waste fee billing; and

(2) That the water and or sewer services consumed for the same period are less than 1,000 gallons for a two-month period; and

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(3) That the premises served has been, for all intents and purposes, unoccupied during the waiver period requested.

(4) The Finance Department shall provide such application documents to any water and sewer account holder upon demand. Upon approval of the City Manager, the Finance Department shall waive the applicable fee for that billing period.

(5) The period of time covered by an approved application shall be for the applicable billing period only. Any subsequent waiver requests shall be individually approved by the City Manager, but no more than three consecutive waivers shall be approved within a calendar year.

(H) Any water and or sewer account holder subject to solid waste fees as stated in subsection (A) of this section, not including apartment buildings and commercial establishments within the city, may apply to the city to waive the solid waste fee as designated by the City Council if their structural residence is located more than 1,500 feet from the public right of way.

(1) The Finance Department shall provide such application documents to any water and sewer account holder upon demand. Upon approval of the City Manager, the Finance Department shall waive the applicable fee for that billing period.

(2) Any account holder obtaining such waiver will no longer be eligible for any solid waste removal service, including but not limited to garbage, refuse, yard rubbish and trash, by the City at the affected residence.

(3) This waiver in no way alleviates the requirements and obligations of owners and occupants under this Chapter for the maintenance of their property.

(I) Any residential subscription recycling services shall be offered and provided through a City Council approved contractor.

(Ord. passed 8-20-91; Am. Ord. passed 2-22-94; Am. Ord. passed 6-21-05; Am. Ord. passed 5-17-11; Am. Ord. passed 6-20-17)

## ARTICLE IV: YARD RUBBISH, TIRES AND TRASH

### Section

- 12-56 Material not collected by the city
- 12-57 Preparation for collection
- 12-58 Contractor to remove upon completion or termination of work; corrective action

### § 12-56 MATERIAL NOT COLLECTED BY THE CITY.

(A) Trees, sections of tree trunks, tree stumps and tree limbs larger than those described in § 12-57(C) will not be collected by the city, and shall be removed from the premises by the owner.

(B) The city will not remove yard rubbish or trash from a vacant lot without the payment of appropriate fees.

(C) Tires will not be collected by the city, and shall be removed from the premises by the owner.

(D) Wooden pallets, discarded computer equipment and discarded televisions will not be collected by city, and shall be removed from the premises by the owner.

(Ord. passed 8-30-94; Am. Ord. passed 6-21-05; Am. Ord. passed 4-18-17; Am. Ord. passed 5-21-19)

### § 12-57 PREPARATION FOR COLLECTION.

(A) Fine accumulations shall be placed for pickup at the curb but not in the street, and shall contain no rocks, masonry, and the like.

(B) Yard rubbish and trash, other than that described in subsection (C) and § 12-58, shall be removed by the owner by placing it at curbside for pickup on established days. The collection schedule shall be kept on file in the Office of the City Clerk.

(C) Trees, sections of tree trunk, tree and shrubbery limbs placed at curbside for collection shall not be larger than the following:

- (1) Zero to four inches in diameter, maximum six-feet long;
- (2) Four to eight inches in diameter, maximum two-feet long.

(D) Loose leaf collection shall be provided throughout the year. In order to be collected, leaves shall be raked to a point behind the curb where pickup will be made. Leaves and yard waste placed in plastic bags or other containers will not be picked up.

(Ord. passed 8-30-94; Am. Ord. passed 3-18-03; Am. Ord. passed 6-21-05) (Am. Ord. passed 8-19-08)  
Penalty, see § 12-90 *et seq.*

**§ 12-58 CONTRACTOR TO REMOVE UPON COMPLETION OR TERMINATION OF WORK; CORRECTIVE ACTION.**

(A) Any contractor working on the property of another person or owner shall, upon completion of the work undertaken or upon termination of the undertaking for any other reason, remove from the work site property all yard rubbish or trash in excess of 4 cubic yards that is on such property as a result of the contractor, its subcontractor, agent or employee working thereon, including but not limited to, yard rubbish or trash resulting from trimming trees, clearing land, excavating, bulldozing, cutting trees and site preparation for building. Any yard rubbish or trash described in this paragraph which constitutes a load less than 4 cubic yards shall be removed by the contractor and/or owner by placing it at curbside for pickup on established days. Any contractor violating this section shall, upon conviction, be guilty of a misdemeanor.

(B) In addition to or in lieu of criminal charges being brought against the contractor or owner, the city may institute appropriate civil actions or proceedings to prevent, restrain, correct or abate the violation of this article. (Ord. passed 8-30-94; Am. Ord. passed 6-21-05; Am. Ord. passed 8-21-18) Penalty, see § 12-90 et seq.

## **ARTICLE V: ENFORCEMENT**

### Section

12-90	Enforcement
12-91	Penalty
12-92	Reservation of rights
12-93	Civil penalty; nonexclusive
12-94	Effective date

### **§ 12-90 ENFORCEMENT.**

It shall be the duty of the Solid Waste Superintendent to enforce all provisions of this chapter, and to make all necessary inspections to determine whether or not the provisions of the chapter are being met.

(Ord. passed 6-20-96; Am. Ord, passed 6-21-05)

### **§ 12-91 PENALTY.**

(A) Each violation of any provision of this chapter shall constitute a Class 3 misdemeanor, punishable by a fine of not more than \$500, as provided by G.S. §14-4, as amended. Each calendar day during which a violation continues shall constitute a separate and distinct offense.

(B) The provisions of this article may also be enforced through any equitable or other legal remedy authorized by § 1-16 of the City Code or as otherwise permitted by law.

(Ord. passed 6-20-96; Am. Ord. passed 6-21-05)

### **§ 12-92 RESERVATION OF RIGHTS.**

The city, or its designated agent, reserves the right to refuse to collect solid waste, or to refuse to allow disposal at any facility operated by the city, or for the benefit of the city, where this chapter or the regulations promulgated hereunder are ignored or violated. The city further reserves the right to terminate the authorization of any hauler who violates this chapter or the regulations promulgated hereunder.

(Ord. passed 6-21-05)

**§ 12-93 CIVIL PENALTY; NONEXCLUSIVE.**

Violations of this chapter may also be punished by a civil penalty in the amount of \$100 for each violation, which penalty shall be enforced as provided by § 1-16.2 of the City Code. This remedy shall be nonexclusive.

(Ord. passed 6-20-96; Am. Ord. passed 6-21-05)

**§ 12-94 EFFECTIVE DATE.**

This chapter shall be effective at the date that it is adopted, and from that date until such time as the City chooses to amend or repeal it.

(Ord. passed 6-21-05)