

CHAPTER 50: SOLID WASTE MANAGEMENT

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§ 50.01 PURPOSE AND INTENT.

(A) 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 an 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.

(B) These regulations are further adopted to enhance the environment for the citizens and resident of the town 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.

(C) These regulations are further determined to deter unlawful disposal of solid waste and encourage the reporting of littering and illegal dumping.

(Ord. 2020-04, passed 6-9-2020)

§ 50.02 JURISDICTION AND APPLICABILITY OF FEDERAL AND STATE LAWS.

The provisions of this chapter 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 chapter 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 chapter. To the extent any provisions of the chapter is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision or applicability of this chapter.

(Ord. 2020-04, passed 6-9-2020)

§ 50.03 ADMINISTRATION AND ENFORCEMENT.

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

(Ord. 2020-04, passed 6-9-2020)

§ 50.04 DEFINITIONS.

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

BULKY WASTE. Large man-made items of solid waste such as furniture, large auto parts, and other oversized wastes whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.

BEAR RESISTANT. A solid waste receptacle is Bear Resistant if the receptacle has, or is designed or marketed by its manufacturer to have, qualities or features that prevent bears from accessing the contents thereof when the door, lid, flap, or other covering is secured by its latch or other locking mechanism.

COLLECTION. The act of removing solid waste (or materials that have been separated for the purpose of recycling) to a transfer station, processing facility, or disposal facility.

COMMERCIAL SOLID WASTE. All types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial waste; provided, that the definition of commercial solid waste is also applicable to places of residence having three or more dwelling units such as apartment buildings and mobile home courts.

COMMERCIAL SOLID WASTE COLLECTOR. Any person, firm, corporation, or other entity, engaged in whole or part, in the collection, transportation, delivery, or disposal of solid waste generated within the service area, including any such entity engaged in such activities with respect to solid waste generated by others for profit.

CONSTRUCTION AND DEMOLITION WASTE. Solid waste resulting solely from construction, remodeling, repair, or demolition operations on buildings, or other structures, but does not include inert debris, land-clearing debris, yard debris, brick, uncontaminated soil, sand, gravel, rock, concrete, or concrete block.

COUNCIL. The Town Council of the Town of Beech Mountain.

DEPARTMENT. The North Carolina Department of Environmental Quality.

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

DIVISION. The Director of the Division of Solid Waste Management of the North Carolina Department of Environmental Quality, or the Director's authorized representative.

ENFORCEMENT OFFICER. The Town Manager employed by the Town of Beech Mountain appointed by the Town Council, or his designee, whose duties include the enforcement of this chapter.

FARMING. Activities related or incidental to production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market.

GARBAGE. All putrescible waste, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.

HAZARDOUS WASTE.

(1) A solid waste, or combination of solid wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may:

(a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

(b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

(2) Provided, however, that nothing herein shall be construed to authorize the town to regulate hazardous waste in any manner prohibited by or pre-empted by the applicable North Carolina General Statutes and state rules and regulations.

INDUSTRIAL PROCESS WASTE. Solid waste resulting from an industrial or manufacturing process which may be disposed of at the county landfill after demonstrating its non-hazardous status through analysis, or by other means. Includes, but is not limited to sandblasting grit, contaminated food products, ash and dust.

INDUSTRIAL SOLID WASTE. Solid waste generated by manufacturing or industrial processes that is not hazardous waste.

INERT DEBRIS. Solid waste, which consists solely of material that, is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.

INFECTIOUS WASTE. Solid waste capable of producing an infectious disease. The types of waste designated as infectious are microbiological waste, pathological waste, blood products and sharps.

INSTITUTIONAL SOLID WASTE. Solid waste generated by educational, correctional, and other institutional facilities.

LAND-CLEARING DEBRIS. Solid waste which is generated solely from land-clearing activities.

LANDFILL. 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.

MEDICAL WASTE. Any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste identified or listed pursuant to this chapter, radioactive waste, or household waste as defined in 40 CFR § 261/4(b)(1) in effect on July 1, 1989, or those substances excluded from the definition of SOLID WASTE in this chapter.

MUNICIPAL SOLID WASTE. Any solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed and disposed of through a public entity or municipal solid waste management service. MUNICIPAL SOLID WASTE does not include hazardous waste, sludge, or industrial waste managed in a solid waste management facility owned and operated by the generator of the industrial waste for management of that waste, or solid waste from mining or agricultural operations.

MUNICIPAL SOLID WASTE COLLECTOR. Any public entity or municipal solid waste management service engaged in whole or part, in the collection, transportation, delivery, or disposal of solid waste generated within the service area, including any such entity engaged in such activities with respect to solid waste generated by others.

OPEN DUMP. Any facility or site where solid waste is disposed of that is not a sanitary landfill and that is not a facility for the disposal of hazardous waste, specifically including a solid waste disposal site that does not have a permit, and/or does not comply with the rules set forth in the North Carolina Solid Waste Management Rules, 15A NCAC.13b.

PATHOLOGICAL WASTE. Human tissues, organs, and body parts, and the carcasses and body parts of any animals that were known to have been exposed to pathogens that are potentially dangerous to humans during research, were used in the production of biologicals or in vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.

PERSON. Any individual, firm, corporation, company, association, partnership, unit of local government, state agency, federal agency or other legal entity.

PREMISES. A definite portion of real estate including its appurtenance, a building, or part of a building.

PROCESSING. Any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport; amendable to recovery, storage or recycling; safe for disposal; or reduced in volume or concentration.

PUTRESCIBLE. Solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal, and animal carcasses.

RADIOACTIVE WASTE. Waste containing any material, whether solid, liquid, or gas that emits ionizing radiation spontaneously.

RECYCLABLE MATERIAL. Those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

RECYCLING. 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. All non-putrescible wastes, solid waste, other than garbage and ashes, from residences, commercial establishments, and institutions.

REGULATED MEDICAL WASTE. Blood and body fluids in individual containers in volumes greater than 20 ml, microbiological waste, and pathological waste that has not been treated pursuant to state rules.

RESIDENTIAL VACATION RENTALS. The rental of any single-family dwelling, duplex, or unit in a multi-family dwelling, or any portion thereof, for occupancy, dwelling, lodging or sleeping purposes for any period of time less than 90 days. The term does not include other transient lodging such as hotels and motels, lodges, and bed and breakfast establishments, which are otherwise authorized under these regulations and which have been duly permitted or which are legal nonconforming uses.

RESIDENTIAL WASTE. Solid waste originating from private households (private single-family homes and apartments, condominiums, etc., not institutional residential facilities). Solid waste from a place of residences having three or more dwelling units is defined as commercial solid waste.

SANITARY LANDFILL. A facility for disposal of solid waste on land in sanitary manner in accordance with rules concerning sanitary landfill as defined in G.S. § 130A-290.

SCRAP TIRE. (Whole scrap tires are banned from disposal at the landfill) A tire that is no longer suitable for its origin at intended purpose because of wear, damage, or defect.

SHARPS. Needles, syringes, and scalpel blades.

SHORT-TERM RENTALS. See Residential Vacation Rentals

SLUDGE. Any solid, semisolid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects.

SOLID WASTE. Any hazardous or non-hazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. SOLID WASTE does not include:

- (1) Fecal waste from fowls and animals other than humans;

(2) Solid or dissolved material in:

(a) Domestic sewage and sludge generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters.

(b) Irrigation return flows.

(c) Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. § 143-215.1 by the Environmental Management Commission. However, any sludge that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this chapter.

(3) Oils and other liquid hydrocarbons controlled under G.S. Chapter 143, Article 21A. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this chapter.

(4) Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011).

(5) Mining refuse covered by the North Carolina Mining Act, G.S. §§ 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. § 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this chapter.

(6) Recyclable material.

(7) Hazardous waste excluded pursuant to G.S. §§ 153A-136 and 153A-294.

SOLID WASTE RULES. The regulations governing solid waste management adopted by the Solid Waste Section of the Department of Environmental Quality in accordance with EPA guidelines and other Federal Regulations.

USED OIL. Any oil which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling has become unsuitable for its original purpose.

WHITE GOODS. Includes refrigerators, ranges, water heaters, freezers, unit air conditioners, washing machines, dishwashers, clothes dryers, and other similar domestic and commercial large appliances.

The definitions set forth in G.S. § 130A-290 which are not expressly set forth in this chapter shall apply to and are hereby incorporated herein by reference to this chapter.

(Ord. 2020-04, passed 6-9-2020)

§ 50.05 STORAGE AND DISPOSAL.

(A) No person, owner, occupant, tenant, or lessee of any property may deposit, store or permit to accumulate any solid waste on property owned or occupied by the person, owner, occupant, tenant, or lessee that is not stored or disposed of as required by this chapter.

(B) The owner, occupant, tenant, or lessee of any property shall remove or cause to be removed all solid waste from his property at such reasonable intervals as will prevent a nuisance from arising which causes or creates the likelihood of injury to the health, safety, or welfare of another person or the likelihood of injury to adjoining property.

(C) Garbage and refuse shall be stored and/or sorted in a manner that will resist harborage to rodents and vermin and will not create a fire hazard.

(D) No owner, occupant, tenant, or lessee of any building or dwelling may place or leave, or cause to be placed or left, outside the building or dwelling any bulky waste for longer than 30 days.

(E) No owner, occupant, tenant, or lessee of any building or dwelling may leave outside the building or dwelling, in a place accessible to children, 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.

(F) No person or property shall have access to any solid waste services, including the drop off of solid waste at the Town Convenience Center without a billable utility account or contracted special service account in compliance with the appropriate fee schedule.

(G) No person may discard, dispose of, leave, or dump any solid waste on or along any street or highway or on public or private property unless such solid waste is placed in a receptacle or at locations properly permitted for the deposit of solid waste.

(H) No person shall throw, scatter, spill, place, cause, or allow to be blown, scattered, spilled, thrown or placed, or otherwise dispose of any litter upon any public property or private property not owned by said violator within the town or into the waters of the town including, but not limited to, upon any public highway, public park, lake, river, stream, campground, forest land, recreational area, highway, road, street or alley; the occurrence of any of the foregoing acts resulting from transporting solid waste in a vehicle shall constitute a violation of this chapter.

(I) No person shall intentionally and willfully dump or deposit any solid waste material on the property owned by the violator or the property of another with or without the written consent of the property owner which is inconsistent with proper and lawful solid waste management and disposal practices.

(J) No person shall burn solid waste. Refer to § 90.03 for regulations regarding burning.

(K) Nothing in this chapter is intended to authorize the disposal of solid waste in any manner prohibited by federal or state laws or regulations.

(L) No contractor shall deposit solid waste at any town facility.

(M) Construction and demolition waste as defined herein will not be accepted at the Town Convenience Center; such debris may be accepted at the Watauga County Landfill or Avery County Landfill in accordance with their rules and regulations. Construction and demolition waste must be removed in accordance with this chapter and Chapter 94 of this Code of Ordinances. Limited collection of homeowner construction debris may be made available at the Town's discretion.

(N) Regulated medical, hazardous, and radioactive waste will not be accepted at the Town Convenience Center; such debris may be accepted at the Watauga County Landfill or Avery County Landfill in accordance with their rules and regulations.

(O) All sharps shall be placed in a sealed, puncture-proof container prior to disposal.

(P) No person shall bury solid waste in earth or submerge solid waste in water unless expressly permitted by this chapter or applicable federal and state law and regulations.

(Q) Pursuant to G.S. § 160A-3, no person shall dispose of hazardous waste within the Town Convenience Center.
(Ord. 2020-04, passed 6-9-2020)

§ 50.06 DEFINITION AND ABATEMENT OF SOLID WASTE NUISANCES.

(A) By the authority of the provisions of G.S. §160A-3, the storage, accumulation or presence of solid waste on public or private property in the area of jurisdiction of this chapter which is:

- (1) A breeding ground or harbor for mosquitoes or other insects, snakes, rats, or other pests; or
- (2) A point of collection for pools or ponds of water; or
- (3) A point of concentration of gasoline, oil, or another flammable, toxic or explosive materials;
- (4) So located that there is a danger of falling, sliding or turning over; or

(5) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces or metal, glass, or other rigid materials is hereby proclaimed and declared to be unlawful and a public nuisance. Such public nuisance shall be subject to abatement as provided in this chapter.

(B) Upon reasonable cause to believe that a public nuisance as defined above exists, the Enforcement Officer or his designee, and upon not less than ten days' notice to the occupant and owner of the property on which the alleged nuisance is located, shall make a determination of whether or not such nuisance does, in fact, exist. If the Enforcement Officer makes a determination that a public nuisance exists, he shall enter and serve upon the owner and occupant an order to remove, abate or remedy the nuisance within a reasonable period of time, but not more than 30 days.

(C) Upon failure of the owner or occupant of the property, or of the person responsible for placing such solid waste on the property to remove, abate or remedy the nuisance within the period the officer has allowed, pursuant to G.S. § 160A-3 an Enforcement Officer shall remove, abate or remedy the nuisance as provided in the order and charge the cost thereof to the owner and occupant. If such expense is not paid by the owner or occupant within 30 business days, it shall be a lien upon the land or on premises where the nuisance arose and shall be collected as a monetary debt against the owner and occupant.

(Ord. 2020-04, passed 6-9-2020)

§ 50.07 ENFORCEMENT MEASURES AND REMEDIES.

(A) The Town Manager may designate the Enforcement Officer(s) from the town staff, who shall have the authority and duty to perform inspections, issue citations, assess penalties and take enforcement actions. Also, the other departments of the town may accompany the Enforcement Officer to assist in administration and enforcement.

(B) The town may exercise remedies for violation of any provision of this chapter as allowed and authorized by the North Carolina General Statutes, including but not limited to civil penalties, equitable remedies, and criminal prosecution, as well as all remedies available under Chapter 11 of this Code of Ordinances. In addition, whenever the Enforcement Officer receives a proper, non-anonymous, written complaint alleging a violation of this chapter, he shall investigate the complaint, take whatever action is warranted (including, in his or her discretion, any appropriate informal measures deemed helpful toward procuring compliance with this chapter). The Enforcement Officer shall inform the complainant in writing what actions have been or will be taken. A warning may be issued

by the Enforcement Officer without fine when the officer is of the opinion that a violation of this chapter may be remedied without the necessity of prosecution; however, a warning citation may not be issued in the case where public health and/ or safety are endangered. Waiver of enforcement by the town of any provision of this chapter shall not prejudice the enforcement of remaining portions of this chapter.

(C) Civil enforcement and penalties; notice of violation. The Enforcement Officer may issue a notice of violation to any person who fails to comply with any provision of this chapter. The notice of violation shall contain a description of the violation, the date of inspection, a description of the action necessary for correction of the violation and the date (no more than ten business days from the date of the notice) that compliance is required. The notice shall also specify the amount of civil penalty that may be imposed should the violator fail to take corrective action within the time frame set forth for compliance with the chapter. The notice shall be hand delivered or mailed by certified or registered mail, return receipt requested, to the person or persons alleged to be in noncompliance. The Enforcement Officer shall sign a statement for his file of the date, time and manner of delivery. The failure to comply with the notice of violation by taking corrective action may result in any of the civil or criminal remedies set forth in Chapter 11 of this Code of Ordinances. Additionally, violation of any provision of this chapter shall be punishable as a misdemeanor as set forth in G.S. §14-4. Each days continuing violation shall be deemed a separate offense.

(Ord. 2020-04, passed 6-9-2020)

§ 50.08 COLLECTION.

The town makes provisions for collection of residential and commercial solid waste on a weekly basis. Collection of solid waste on a more frequent basis may be provided upon request and as needed during weekdays subject to the current fee schedule and availability.

(Ord. 2020-04, passed 6-9-2020)

§ 50.09 FRANCHISE REQUIRED.

It shall be unlawful for any person or persons, firm, corporation or any other entity, to operate a solid waste collection and/or disposal system, service or facility within the corporate limits of the town without first obtaining a franchise granted by ordinance of the Town Council, unless such service is otherwise contracted by the Town.

(Ord. 2020-04, passed 6-9-2020)

§ 50.10 FEES.

(A) Fees are charged by the town on a monthly basis to all improved properties within the town for the provision, or offer to provide, once-per-week solid waste collection and disposal service. The appropriate monthly fee shall be charged to the customer in conjunction with the Municipal Utility Account. Persons or properties not associated with a Municipal Utility Account may be provided solid waste services via a special contract and fee. The Town Council shall have the authority to establish rates for the management of solid waste, and to change the rates as necessary to meet solid waste collection and disposal costs. The town offers solid waste collection service to all improved properties within the corporate limits on a weekly basis, and all such properties shall be charged the established monthly fees regardless of whether or not the customer chooses to take advantage of the service. Non-utility account customers may be permitted to gain use of the Convenience Center at the sole discretion of the town per the appropriate fee schedule. All fees shall be published on the Fee Schedule as adopted by the Town Council from time to time.

(B) Additional charges, rates and both rental and lease fees for solid waste services may be levied by any person, firm or corporation to which a franchise for solid waste collection service has been granted by the Town Council. Any such charges, rates and fees must be expressly approved by the franchise ordinance.

(1) The town may remove, or cause to be removed, any litter, debris or solid waste deposited in violation of this chapter, § 94.02 of this Code of Ordinances, or state law.

(2) Any person who violates this chapter, § 94.02 of this Code of Ordinances, or state law regarding littering or dumping shall be subject to a fee in the amount of the current rate for a special sanitation collection or the actual cost of the removal, in addition to any other applicable penalties, as set forth on the town Fee Schedule.

(Ord. 2020-04, passed 6-9-2020)

§ 50.11 RECEPTACLES; PREPARATION OF SOLID WASTE.

(A) The owner of every premises shall be responsible for providing adequate solid waste receptacles in accordance with this section to store the solid waste generated by activities taking place on those premises between scheduled pickups or to contain adequate storage for seven days' refuse.

(B) Every premises shall be served by at least two of the receptacles specified in division (C) below and the town may require the owner to provide more than two if necessary, to accommodate the entire amount of trash

generated by the property. Under no circumstances may garbage be left by the roadside for town garbage pickup without approved receptacles and bins as described in division (C).

(C) The receptacles required by this section shall be 30- to 35-gallon containers made of galvanized metal, plastic, rubber or other material resistant to rust, corrosion or rapid deterioration. Each receptacle shall be watertight. Each receptacle shall have two handles and shall be covered with a tight-fitting cover at all times. All receptacles shall be located in an enclosed area that meets or exceeds the minimum specifications in § 50.12 and incorporated herein by reference. The purpose of the enclosure is to prevent animals from knocking over the trash cans, and to limit the negative impact of trash facilities on natural beauty and property values. Enclosures and trash facilities must be maintained in good condition and placed in a location acceptable to the Sanitation Department. Underground garbage bins, regardless of their condition or serviceability, are not permitted.

(D) The exact location of the receptacle shall be agreed upon by the owner and Director of Public Works or his or her designee, in consultation with the Code Enforcement Official. If the owner and Director are unable to reach mutual agreement upon the location to be used, the Public Works Director's decision shall be final.

(E) The owners of multi-family residential premises, upon obtaining the prior approval of the town, may use a dumpster container in lieu of the 30- to 35-gallon containers described in division (C) above.

(F) Non-residential customers, whose premises generates more than eight 30- to 35-gallon containers per week, may be required to obtain a dumpster in lieu of the 30- to 35-gallon containers. In those instances, the owner shall be notified by the Public Works Director of the need to acquire a dumpster. The owner may appeal the decision of the Public Works Director to the Town Manager within ten days of receipt of notice. If the owner fails to appeal the order of the Public Works Director, an adequate dumpster shall be obtained and provided within 60 days of receipt of the original notice. In the event of an unsuccessful appeal, the required dumpster shall be provided within 60 days of disposition of the appeal by the Town Manager.

(G) In requiring dumpsters for commercial establishments, the town shall take into consideration the nature of the waste being generated and the likelihood of spoilage or otherwise unsanitary conditions.

(H) All customers using dumpster containers must provide a suitable location for the dumpster(s) that provides access to the collection vehicle. In addition, the site provided must be such that the elevation of the dumpster meets the specifications required for convenient attachment with the equipment of the town, considering the

weight of the dumpster, and settlement of the land over time. Continuing settlement may require a hard surface pad. All customers using dumpster containers must screen their dumpsters from view and keep them in good repair and appearance. Temporary dumpsters at construction sites are exempt from screening requirements.

(I) No person may damage, displace or otherwise interfere with solid waste receptacles or solid wastes stored or prepared for collection except with the consent of the owner, lessee or occupant of the premises where those receptacles or solid wastes are located.

(J) All Residential Vacation Rentals operating within the Town are required to utilize and maintain in good working order a Bear Resistant container or containers, as described in § 50.12(B), on the premises used for such rental adequate to hold the amount of waste generated by the property. This requirement shall not apply to multi-family structures, where adequate solid waste receptacles are otherwise provided.

(Ord. 2020-04, passed 6-9-2020)

§ 50.12 SOLID WASTE BIN SPECIFICATIONS.

(A) Residential Waste Bin Specification – The following specifications are for residential properties, excluding multi-family residential and residential vacation rentals:

(1) Dimensions. Bins to be five feet by two and one-half feet by three feet, three inches.(2) Bin for three containers to be seven and one-half feet by two and one-half feet by three feet, three inches.

(3) For four containers, two standard bins shall be used.

(4) No underground trash bins may be used.

(5) All wood used shall be pressure treated. Other suitable exterior materials of similar durability and appearance are acceptable.

(6) Bins shall have a "mailbox flag", visible from the road, for notifying town personnel when pickup is necessary.

(7) Bins shall have a lid. Wood frame wire lids with hasps are encouraged.

(8) All bins shall be situated on ground level.

(9) Location of bins shall be determined in consultation with Town Manager or his or her designee.

(10) Frames shall be constructed with two inches by four inches in thickness or stronger material.

(11) Pickets may be used. Maximum space between pickets shall not exceed three-fourths of an inch.

(12) Alternate designs must be approved by the Town Manager or his or her designee.

(13) All cans must fit entirely within the bin provided.

(B) Residential Bear Resistant Waste Bin Specification – In the alternative to the receptacle standards set forth herein, a property owner may elect to utilize a Bear Resistant solid waste container. A solid waste container is approved as Bear Resistant if:

(1) The receptacle is specifically designed and marketed by its manufacturer as being bear proof or bear resistant by virtue of containing qualities and features specifically designed to prevent bears from accessing its contents,

(2) The receptacle is approved by the Town Manager or his or her designee as having sufficient bear resistant qualities or features, or

(3) The receptacle is certified as Bear Resistant by the Interagency Grizzly Bear Committee.

Any Bear Resistant solid waste container shall meet or exceed the following minimum standards or an approved equivalent:

(a) Sheet metal components shall be 14-gauge steel

(b) Metal frame components shall be 1/8" x 1 1/2"

(c) Expanded metal components shall be 1/2"-#13

(d) Hinges shall be capable of supporting the required loads

(e) All structural components shall be welded together

(f) All exposed metal shall be painted with multiple coats of neutral or earth-toned epoxy paint to protect the structure from corrosion

(g) No sharp edges shall be present, which may poke, slice, or otherwise injure Town staff accessing the container

(h) Enclosures shall be capable of holding two (2) standard 35-gallon containers

(i) Containers shall not exceed 60" wide by 54" tall by 30" deep, without prior written approval.

(4) Bins shall have a "mailbox flag", visible from the road, for notifying town personnel when pickup is necessary.

§ 50.13 RECYCLING CENTER: RECYCLABLES; SEPARATED MATERIALS.

(A) The following items and/or materials will be accepted at the town's Recycling Center in accordance with the posted rules of operation:

- (1) Newspaper, magazines and mixed paper;
- (2) Aluminum and metal cans;
- (3) Green glass;
- (4) Brown glass;
- (5) Clear glass;
- (6) Cardboard;
- (7) Used motor oil (accepted by appointment only at the Public Works Building);
- (8) Batteries (accepted by appointment only at the Public Works Building);
- (9) Furniture (including mattresses);
- (10) White goods (accepted at the Convenience Center as directed by attendant or special pickup scheduled with Public Works);
- (11) Number one and number two plastics.

(B) All items and/or materials listed herein must be deposited within a container specifically designated for those items and/or materials.

(C) It shall be unlawful for any person:

- (1) To place material at the Recycling Center in a container designated for a different material; and/or
- (2) To deposit any waste at the Recycling Center outside of the hours of normal operation.

(D) The Town Manager adopt additional rules of operation for the Recycling Center and shall post these rules at appropriate locations in the Center.

(E) The following items and/or materials may be collected by the town upon request of the customer as a special pickup, but not to exceed four pickups per 12-month period per address in total, when those items are generated by the customer and do not result directly from the operation of a commercial enterprise or the activities of a private contractor: Pickups exceeding the allotted four per 12-month period per address in total shall be subjected to an additional fee in accordance with cost of workers and trucks needed as outlined in the Schedule of Fees.

(1) Bagged leaves, only if collected by the homeowner and not private contractors. (If more than 20 bags are needed to be picked up at one time, an additional fee may be charged per extra bag in accordance with the Schedule of Fees);

(2) Appliances;

(3) Furniture, rugs, and other home goods not including mattresses;

(4) Garbage bins or wooden receptacles that are no longer wanted or needed;

(5) Yard trash, including limbs, shall be collected by the town under the same basis and conditions outlined above, however, the town shall collect no tree trunks, stumps, root balls, large limbs from view cuts or lot clearing and no limbs in excess of six inches in diameter shall be collected. Leaf bags and yard trash bags must be piled separately from limb piles;

(6) Carrion will be collected by Public Works by appointment request only. It will only be collected from the roadside, not from the area of the private property owned.

(Ord. 2020-04, passed 6-9-2020)

§ 50.14 CHANGES IN STATE LAW.

Should G.S. §§ 160A-312, 153A-132.1, 153A-136, and 153A-292 or any section of the General Statutes of North Carolina incorporated herein by reference or otherwise referred to herein be changed or amended, or should such statutes require or mandate a difference procedure or change or impose new, different or additional requirements, then, in that event, this chapter shall be deemed to have been amended without further action to have complied with such new additional or amended requirements.

(Ord. 2020-04, passed 6-9-2020)

§ 50.99 PENALTY.

(A) Any person that violates any provision of this chapter or any rule of the rules of operation for the Recycling Center as referenced above to this section shall be subject to the penalties as set forth herein.

(1) A first offense within a 12-month period shall subject the offender to a civil penalty in the amount of \$100;

(2) A second offense within a 12-month period shall subject the offender to a civil penalty of \$350;

(3) A third offence within a 12-month period shall subject the offender to a civil penalty in the amount of \$500;

(4) A fourth or subsequent offense within a 12-month period shall subject the offender to a civil penalty in the amount of \$500. Additionally, the town shall discontinue garbage collection services to this location unless and until the offender obtains and installs a bear and wildlife restraint trash container equal to or greater than the standards set forth in both this section and those utilized by the United States Forest Service, as promulgated through the United State Department of Agriculture.

(B) In addition to the penalties set forth herein, the town may also pursue any and all remedies available to it as set forth in § 11.01 of this Code of Ordinances.

(Ord. 2020-04, passed 6-9-2020)