



Ordinance

Town of Beech Mountain  
North Carolina

Date: 5/11/2021

**TOWN OF BEECH MOUNTAIN**

**AN ORDINANCE TO AMEND CHAPTER 50: SOLID WASTE MANAGEMENT**

**Ordinance No. 2021-01**

**WHEREAS**, the Town of Beech Mountain is a Municipal Corporation and political subdivision of the State of North Carolina; and

**WHEREAS**, the Town of Beech Mountain desires to maintain a high standard for the quality of life for its citizens, visitors, and guests; and

**WHEREAS**, North Carolina General Statutes § 160A-174 authorizes the Town of Beech Mountain to enact ordinances and regulations to promote the health, welfare, and safety of the Town of Beech Mountain; and

**WHEREAS**, the Town of Beech Mountain is a rural, mountain community that is rife with wildlife, including raccoons, bears, and other animals; and

**WHEREAS**, the Town of Beech Mountain currently has an ordinance which sets forth the manner in which solid waste is to be collected, stored, and ultimately discarded in the Town in Chapter 50 of its Code of Ordinances; and

**WHEREAS**, the Town of Beech Mountain desires to amend the existing ordinance to require metal bear resistant trash receptacles for short-term rental units in order to limit animal exposure to solid waste and human interaction; and

**WHEREAS**, the Town of Beech Mountain desires to amend the existing ordinance to require all properties to have adequate trash receptacles in order to limit animal exposure to solid waste and human interaction; and

**WHEREAS**, the Town of Beech Mountain desires to amend the existing ordinance to allow for limited collection of homeowner construction debris.

**NOW THEREFORE** be it resolved by the Town Council of the Town of Beech Mountain as follows:

SECTION I. Title V, Chapter 50.01: Purpose and Intent, of the Town of Beech Mountain Code of Ordinances is hereby amended to include the following:

(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.

SECTION II. Title V, Chapter 50.02: Jurisdiction and Applicability of Federal and State Laws, of the Town of Beech Mountain Code of Ordinances is hereby amended to include the following:

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.

SECTION III. Title V, Chapter 50.04: Definitions, of the Town of Beech Mountain Code of Ordinances is hereby amended to include the following:

(46). 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.

(47). SHORT-TERM RENTALS. See Residential Vacation Rentals

SECTION IV. Title V, Chapter 50.05: Storage and Disposal, of the Town of Beech Mountain Code of Ordinances is hereby amended to include the following:

(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.

SECTION V. Title V, Chapter 50.09: Franchise Required, of the Town of Beech Mountain Code of Ordinances is hereby amended to include the following:

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.

SECTION VI. Title V, Chapter 50.11: Preparation of Solid Waste, of the Town of Beech Mountain Code of Ordinances is hereby amended to include the following:

(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).

(B) (1) Property owners wishing to exempt their property from the requirements of Section 50.11(B) may do so by registering their request with the Town Manager for exemption no later than August 1, 2021 on a form prepared by the Town stating the request for exemption, the names and addresses of the property owner, the property location, and a statement that the property owner has made alternative arrangements for the collection of solid waste from this location. This exemption shall expire upon either 1) the sale, transfer, or conveyance of the property to another individual, 2) two violations of this Chapter within a twelve-month period, or 3) the property being used for short-term rental with periods of occupancy by the same tenant of less than 28 consecutive days.

(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.

(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.

SECTION VII. Title V, Chapter 50.12: Solid Waste Bin Specifications, of the Town of Beech Mountain Code of Ordinances is hereby amended to include the following:

(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.

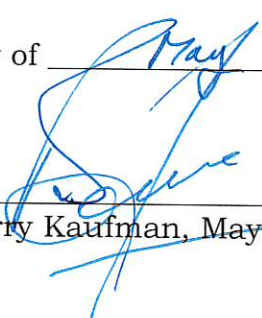
SECTION VIII. CODIFICATION. The provisions of Sections I through Sections VII of this Ordinance shall be published as appropriate in the Town of Beech Mountain Code of Ordinances as soon as practicable.

SECTION IX. SEVERABILITY CLAUSE. If any section, part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Town Council in passing this Ordinance that its parts shall be severable and all other parts of the Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION X. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council for the Town of Beech Mountain, North Carolina, at which a quorum was present and which was held on the 11th day of May, 2021.

ADOPTED this the 11<sup>th</sup> day of May, 2021.

  
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Barry Kaufman, Mayor

ATTEST:

 (SEAL)  
Tamara Mercer  
Clerk to the Board

