

## Section

General Provisions

- 95.01 Definitions  
 95.02 Disposal of rubbish in yard, on premises prohibited  
 95.03 Sweeping rubbish into streets prohibited  
 95.04 Transporting garbage into town for disposal prohibited  
 95.05 Hauling rubbish in private vehicles  
 95.06 Town to perform garbage collection  
 95.07 Charges for collection of garbage  
 95.08 Interference with receptacles set out for collection

Residential Collection

- 95.20 Definition  
 95.21 Mobile refuse containers  
 95.22 Care and maintenance of containers; prohibited waste material  
 95.23 Garbage collection schedule  
 95.24 Special collection for large loads  
 95.25 Builders and contractors to remove debris  
 95.26 Placement and preparation of garbage for collection  
 95.27 Exemption  
 95.28 Improperly placed or prepared garbage

Commercial and Industrial Collection

- 95.40 Containers  
 95.41 Location  
 95.42 Care and maintenance of containers  
 95.43 Prohibited waste materials  
 95.44 Recycling  
 95.99 Penalty

Cross-reference:

Open burning, see § 94.25

Statutory reference:

Regulation of trash and garbage, see G.S. § 160A-303.1

## GENERAL PROVISIONS

§ 95.01 DEFINITIONS.

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

"ASHES." Refuse resulting from the burning of wood, coal, coke, and other combustible material.

"AUTOMOTIVE WASTE." Tires, wheels, shock absorbers, body parts, and chassis.

"BUILDING RUBBISH." Refuse from the construction, remodeling, and repair of houses, commercial buildings, and other structures, included but not limited to excavating earth, stones, brick, lumber, plaster, concrete, shingles, insulation, and waste parts generated by the installation and replacement of structures and facilities.

"BULK CONTAINERS." A waterproof metal container of not less than one nor more than six cubic yards in size, equipped with a liquid drain and a hinged lid, and compatible with the town's collection vehicles.

"GARBAGE." Animal and vegetable refuse resulting from the handling, preparation, cooking, and consumption of food, including a minimum amount of liquid necessarily incidental thereto.

"INDUSTRIAL WASTE." Waste from factories, processing plants, and other manufacturing enterprises.

"MOBILE REFUSE CONTAINERS." Rolling, plastic, and steel refuse containers with a capacity of 80 to 90 gallons, designed for storage of residential and small business refuse and capable of being automatically dumped by the town's residential and business collection equipment.

"PUBLIC WORKS DIRECTOR." The Town Director of the Public Works Department providing sanitation service or his designated agent.

"RUBBISH." Refuse (exclusive of garbage and ashes) including but not limited to paper, rags, cartons, boxes, wood, rubber, leather, tree bush and hedge branch cuttings and trimmings, yard trimmings, grass, leaves, pine straw, tin cans, metal, glass, crockery, dirt, earth, dust, garden plants, tobacco leaves, corn shucks, and the like.

"WASTE." Unwanted or discarded material resulting from community activities including solids, liquids, and gases. (Ord. 80-81-5, passed 9-8-80; Am. Ord. 85-86-10, passed 5-12-86)

§ 95.02 DISPOSAL OF RUBBISH IN YARD, ON PREMISES PROHIBITED.

It shall be unlawful for any person to throw, drop, or deposit upon any yard or premises, whether public or private, any garbage, trash, rubbish, or filth of any kind. (Ord. 80-81-5, passed 9-8-80; Am. Ord. 85-86-10, passed 5-12-86) Penalty, see § 95.99

§ 95.03 SWEEPING RUBBISH INTO STREETS PROHIBITED.

It shall be unlawful for any person to throw, deposit, sweep, or rake into any street, sidewalk, or gutter any leaves, refuse, ashes, waste, loose paper, or other waste matter. (Ord. 80-81-5, passed 9-8-80; Am. Ord. 85-86-10, passed 5-12-86) Penalty, see § 95.99

§ 95.04 TRANSPORTING GARBAGE INTO TOWN FOR DISPOSAL PROHIBITED.

It shall be unlawful for any person to haul or carry any garbage, rubbish, debris, or other refuse matter into the town from outside the town and leave or deposit it within the town. (Ord. 80-81-5, passed 9-8-80; Am. Ord. 85-86-10, passed 5-12-86) Penalty, see § 95.99

§ 95.05 HAULING RUBBISH IN PRIVATE VEHICLES.

It shall be unlawful for any person to haul or have hauled, carried, or transported any rubbish or debris on any street in the town in any car, truck, or vehicle unless the rubbish or debris is secured or covered in such a manner as to prevent its escape from the car, truck, or vehicle. (Ord. 80-81-5, passed 9-8-80; Am. Ord. 85-86-10, passed 5-12-86) Penalty, see § 95.99

§ 95.06 TOWN TO PERFORM GARBAGE COLLECTION.

No person, other than the town, shall perform for pay the service of collecting, hauling, and disposing of garbage, rubbish, and the like from within the town limits unless approved to do so by the Town Manager or Public Works Director. (Ord. 80-81-5, passed 9-8-80; Am. Ord. 85-86-10, passed 5-12-86) Penalty, see § 95.99

§ 95.07 CHARGES FOR COLLECTION OF GARBAGE.

For the service of collecting and hauling of garbage and rubbish, the owner or

occupant of each premises from which garbage and rubbish is collected by the town shall be charged such rates as may be established from time to time by the Board of Commissioners. The charge shall be considered a debt owing to the town from the owner or occupant of the premises and shall be billed along with the bill for other utility services. (Ord. 80-81-5, passed 9-8-80; Am. Ord. 85-86-10, passed 5-12-86)

§ 95.08 INTERFERENCE WITH RECEPTACLES SET OUT FOR COLLECTION.

No person shall pick through, handle, or interfere with the contents of any receptacle set out for removal of the contents by the town. (Ord. 80-81-5, passed 9-8-80; Am. Ord. 85-86-10, passed 5-12-86) Penalty, see § 95.99

RESIDENTIAL COLLECTION

§ 95.20 DEFINITION.

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

"RESIDENTIAL." A class of location eligible for service under this chapter which shall include single-family dwellings, apartments, multi-family dwellings, tourist homes, nursing homes, and boarding or rooming houses. (Ord. 85-86-10, passed 5-12-86)

§ 95.21 MOBILE REFUSE CONTAINERS.

Locations as determined by the Public Works Director shall store their garbage and other refuse in 80 to 90 gallon mobile refuse containers compatible with town collection equipment. The owner, tenant, lessee, or occupant shall be responsible for cleaning mobile refuse containers issued to their residence. (Ord. 80-81-5, passed 9-8-80; Am. Ord. 85-86-10, passed 5-12-86) Penalty, see § 95.99

§ 95.22 CARE AND MAINTENANCE OF CONTAINERS; PROHIBITED WASTE MATERIAL.

(A) Mobile refuse containers provided by the town shall remain the property of the town and are provided and assigned to for health, safety, convenience, and general welfare of the occupants. Containers which are damaged, destroyed, neglected, improperly used, or removed by the occupant-user shall be replaced by the town at the expense of the occupant or the owner of the premises. Containers which are damaged in the course of normal and reasonable usage or which are damaged, destroyed, neglected, or stolen through no abuse, neglect, or improper use of the occupant-user shall be repaired or replaced by the town at no charge to the occupant-user. Containers

shall not be damaged, destroyed, defaced, or removed from the premises by any person. Marking and identification devices on the containers, except as placed or specifically permitted by the town, are expressly prohibited and shall be regarded as damage to the containers.

(B) The following material shall not be placed on or within the mobile refuse containers: rocks, dirt, sod, gasoline, oil, flammable liquids, solvents, hot coals or ashes, blocks, cement, heavy building materials, paint, animal carcasses, hard metal of any type or size and any materials or objects that at the discretion of the Public Works Department may in any manner damage the equipment used to collect solid waste. Violations of these prohibitions will be treated as abuse and improper use of the container. In addition, no pet litter, animal waste, or disposable diapers shall be placed within a mobile refuse container for collection unless the material is first thoroughly sealed within a plastic or paper bag. If the owner, tenant, lessee, or occupant of any location shall vacate the premises while in possession of a mobile refuse container, notification shall be made to the town for pick-up prior to their departure. Damage to containers shall be reported immediately to the town.  
(Ord. 80-81-5, passed 9-8-80; Am. Ord. 85-86-10, passed 5-12-86; Am. Ord. 01-02-15, passed 2-11-02) Penalty; see § 95.99

#### § 95.23 GARBAGE COLLECTION SCHEDULE.

(A) Garbage will be collected up to two times per week. Containers shall be placed in the required location for collection no earlier than 5:00 p.m. on the day preceding the designated pick-up day and shall be removed from the curb side location no later than 7:00 p.m. on the scheduled pick-up day.

(B) Trash will be collected once per week and shall be placed in the required location for collection on or before 7:00 a.m. on Monday of each week.

(C) Except during the hours set forth in division (A), the mobile refuse containers shall be kept in a location no closer to the street than the front line of the residence or business. The Director shall be responsible for publication of collection routes and collection days. Schedule adjustments in collection resulting from holidays will be announced by the Director.  
(Ord. 80-81-5, passed 9-8-80; Am. Ord. 85-86-10, passed 5-12-86; Am. Ord. 88-89-2, passed 7-11-88)

#### § 95.24 SPECIAL COLLECTION SERVICE FOR LARGE LOADS.

There shall be a charge for removing large loads of household trash including

discarded lumber, furniture, tree limbs, and other similar items. Charges for large loads shall be determined by the Director of Public Works/Utilities or his designated representative. All such loads shall be placed adjacent to the curb or street edge.  
(Ord. 80-81-5, passed 9-8-80; Am. Ord. 85-86-10, passed 5-12-86; Am. Ord. 88-89-2, passed 7-11-88)

#### § 95.25 BUILDERS AND CONTRACTORS TO REMOVE DEBRIS.

(A) Building rubbish, debris, and trash shall be collected, removed, and disposed of on a weekly basis by the builder or contractor generating the litter. If the builder or contractor fails to dispose of the rubbish as set forth, the property owner or occupant shall be required to do so at his own expense.

(B) In those instances where yard and tree work is contracted out, all tree limbs, trimmings, shrubbery, and the like shall be removed daily by the person hired to do the work or by the owner or occupant of the premises where it may be located at his own expense. In the event the occupant or owner is unable to remove the accumulations it shall be collected at the request of the owner or occupant by town forces at a cost to be determined by the Director of Public Works.

(C) Disposal of items listed in divisions (A) and (B) above may be made at the Pitt County Landfill located on Allen Road. Interested persons may contact Town Hall for directions.  
(Ord. 80-81-5, passed 9-8-80; Am. Ord. 85-86-10, passed 5-12-86)

#### § 95.26 PLACEMENT AND PREPARATION OF GARBAGE FOR COLLECTION.

(A) Refuse containers shall be placed within five feet of the curb or street edge or in any other accessible location approved by the Public Works Director. Refuse containers shall not be placed on any street or sidewalk.

(B) Residents shall prepare trash for collection as follows:

(1) All trash shall be placed adjacent to the curb or street edge but not on any sidewalk, in any street, or gutter line on any street, road, ditch, drainage ditch, or highway within the town.

(2) Tree, hedge, and shrubbery limbs, branches, and similar materials shall be no more than six inches in diameter, nor more than four feet in length and shall be placed neatly in a pile adjacent to the curb or the street edge. No individual piece shall exceed 50 pounds in weight. Limbs, branches, and the like shall not be placed

on the sidewalk, in the street, or gutter line on any street, road, or highway within the town.

(3) All shrubbery trimmings, grass cuttings, garden plants, corn shucks, pine straw, and lightweight loose trash and small objects including such materials as paper, tin cans, glass, and the like shall be placed in the town-provided mobile refuse container or beside the town-provided container in which case these objects shall be placed in disposable polyethylene bags, cardboard cartons, burlap sheets, or similar containers and collected with the town-provided rollouts on the designated garbage collection day. Also, household trash not exceeding 50 pounds in weight will be collected with and during regular residential garbage pick-up if placed in disposable containers as listed. This shall exclude rock, brick, earth, limbs, trees, and the like. All trash must be placed in containers that will not be returned to the owner or occupant of the property from which the trash is being collected.

(4) Leaves may be placed for collection in loose piles or windrowed during the declared leaf season October 15 through January 15. At no time may leaves be placed on any sidewalk, nor in any ditch, street, drainage ditch, gutters or gutter line, road, or highway within the town. During leaf season, leaves shall be placed adjacent to the curb, or where no curb exists, adjacent to the pavement edge or shoulder of streets and highways within the town for collection. Other than leaf season as set forth, all leaves must be placed in disposable containers (polyethylene bags, cardboard cartons, burlap sheets, and the like) and stacked neatly adjacent to the curb, street edge, or shoulder of highways or streets within the town's corporate limits.  
(Ord. 80-81-5, passed 9-8-80; Am. Ord. 85-86-10, passed 5-12-86) Penalty, see § 95.99

#### § 95.27 EXEMPTION.

(A) In order to protect the public health, insure adequate solid waste collection, and prevent undue hardships to the aged, handicapped, and disabled, the Public Works Director is authorized to vary the requirements of this subchapter relating to placement of the container at a curbside location for collection after conducting a thorough investigation and finding that there is no person living within a particular residence unit who is physically capable of placing the container in the required location for pick-up.

(B) Residents eligible for exemption from curbside service are required to have eligibility renewed on an annual basis by providing an updated doctor's note to the town.  
(Ord. 85-86-10, passed 5-12-86; Am. Ord. 01-02-15, passed 2-11-02)

#### § 95.28 IMPROPERLY PLACED OR PREPARED GARBAGE.

All items accumulated by residents for collection by town forces and stored, placed, or bundled contrary to this subchapter, shall not be collected until the situation is corrected. The Director of Public Works shall be the sole judge when interpreting this subchapter and shall notify the resident of noncompliance explaining why the rubbish was not picked up and the steps necessary in order that it may be collected on the next scheduled collection day.  
(Ord. 85-86-10, passed 5-12-86) Penalty, see § 95.99

#### COMMERCIAL AND INDUSTRIAL COLLECTION

#### § 95.40 CONTAINERS.

(A) Commercial and industrial establishments, including businesses, schools, multi-family residences, and other such uses shall be serviced by a solid waste collection service, and shall be required to dispose of their solid wastes on regular intervals as needed. Establishments shall be required to store their garbage, trash, or other wastes in appropriate, approved solid waste containers, sized equivalent to their needs, and approved and authorized by the Town Public Works and Utilities Director.

(B) Garbage shall only be stored in containers that are durable, rust resistant, nonabsorbent, watertight, and easily cleanable, with a close-fitting fly-tight cover in place.  
(Ord. 85-86-10, passed 5-12-86; Am. Ord. 92-93-2, passed 8-10-92)

#### § 95.41 LOCATION.

(A) The location of solid waste containers shall be chosen with regard to the best interest of public safety, nuisance abatement, and community appearance. The location or placement of solid waste containers shall be approved by the Public Works and Utilities Director. Containers other than mobile refuse containers used in the collection of solid waste shall be placed on a concrete platform.

(B) Containers shall be located in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.  
(Ord. 85-86-10, passed 5-12-86; Am. Ord. 92-93-2, passed 8-10-92)

§ 95.42 CARE AND MAINTENANCE OF CONTAINERS..

(A) Solid waste containers are required for the health, safety, convenience, general welfare, and appearance of the community and the establishment. The owner/occupant of an establishment is responsible for the care and maintenance of all solid waste containers for that establishment. Containers which are damaged, are in bad repair, or need painting, shall be replaced or repaired as needed. The Public Works and Utilities Director may determine when solid waste containers are deemed to need replacing. It is the responsibility of the occupant/owner of an establishment to replace or repair containers as needed or as directed by the Public Works and Utilities Director.

(B) Any containers owned by the town that are damaged, neglected, destroyed, or improperly used by the occupant or owner of an establishment shall be replaced at the expense of the occupant-owner. Any containers owned by the town that are deteriorated through the course of normal use may be replaced by the town at its expense and discretion.

(C) The owner/occupant of an establishment shall be responsible for the appearance around their container and shall exercise reasonable diligence at all times to keep the area clean of waste paper, wrapping paper, cartons, package containers, and other used or waste materials thrown or left on the premises by customers or others, and to take reasonable measures to prevent the same from drifting or blowing to adjoining premises. Containers shall be kept clean and sanitary at all times and the lids shall be kept closed at all times except when depositing waste therein or removing the contents thereof.  
(Ord. 85-86-10, passed 5-12-86; Am. Ord. 92-93-2, passed 8-10-92) Penalty, see § 95.99

§ 95.43 PROHIBITED WASTE MATERIALS.

No person shall place any of the following items in containers:

- (A) Construction and demolition wastes.
- (B) Hazardous, radioactive, or medical wastes.

(C) Burning or smoldering materials or any other materials which could create a fire hazard.

(D) Rocks, dirt, sod, paint, gasoline, hot coals or ashes, blocks, and cement.

(E) Oil, flammable materials, building materials, limbs, animal carcasses, hard metal of any type or size, and any materials or objects that at the discretion of the Director of Public Works and Utilities may in any manner damage the equipment used to collect solid waste.

(F) Any materials that have been banned either by the town, county, or the state from the solid waste stream, or any materials for which recycling, reduction, or reuse alternatives are reasonably available and effective.

(Ord. 85-86-10, passed 5-12-86; Am. Ord. 92-93-2, passed 8-10-92) Penalty, see § 95.99

§ 95.44 RECYCLING.

All commercial and industrial establishments shall be required to integrate recycling, reduction, and reuse systems in their solid waste management operations to the extent that such methods or options for such are reasonably available and effective.  
(Ord. 92-93-2, passed 8-10-92)

§ 95.99 PENALTY.

Any person violating any of the provisions of this chapter or failing to comply herewith, shall be guilty of a misdemeanor, and shall be punished as provided in G.S. § 14-4.  
(Ord. 80-81-5, passed 9-8-80; Am. Ord. 85-86-10, passed 5-12-86)

AYDEN

GARBAGE AND TRASH

24