

Ordinance for Solid Waste Collection for the Town of Jamestown ADOPTED JULY 18, 2023

WHEREAS, the Town of Jamestown, North Carolina pursuant to the authority conferred by the North Carolina General Statute §160A-303.1, wishes to regulate the placing of trash, refuse, and garbage within its municipal limits;

NOW, THEREFORE, IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JAMESTOWN, NORTH CAROLINA:

Purpose: The purpose of this article is determined and declared to be a health, sanitary, and safety measure necessary for the promotion, protection, and preservation of the health, safety, and general welfare of the people of the Town of Jamestown. Whenever this article conflicts with any other portion of the Town Code, Laws, or Ordinances, this article will prevail with respect to any matters relating to recycling, garbage, trash, and waste collection services. Furthermore, the following definitions, terms, phrases, words and their derivatives shall have the meaning given herein and shall apply in the interpretation and the enforcement of this chapter:

Article I. - Definitions.

- (1) *Ashes* means refuse from the burning of wood, coal, paper, and/or other combustible material which has been wetted and cooled to the touch prior to collection.
- (2) *Building materials*, includes but is not limited to, any material such as lumber, brick, stone, plumbing materials (i.e., sinks, tubs, toilets), concrete, floor coverings (i.e., linoleum, carpet), plaster, drywall, gutters, roofing, or other substances accumulated as a result of repairs, renovations or additions to existing buildings, construction of new buildings, or demolition of existing structures.
- (3) *Bulky materials* means material which cannot fit within a Town-approved collection container.
- (4) *Business* means a corporation, industry, company, retail, landlord, and/or other entity engaged in a for-profit endeavor.
- (5) *Commercial tree service*, a contractor hired to trim or cut trees from private property.
- (6) *Contractor*, includes but is not limited to, the individual, firm, partnership, corporation, association, third party or joint venture that is designated as the "contractor" in the agreement.
- (7) *Construction*, or demolition when used in connection with "waste" or "debris", waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, but does not include inert debris, land-clearing debris, or yard debris.
- (8) *Collection* means the act of removing solid waste from a point of generation to an approved disposal site. Collection shall be at the curb for garbage, yard waste, recyclables, and bulky items.
- (9) *Container* means a Town-approved container used for collection of materials. All solid waste and recycling containers shall remain the property of the Town and will remain at the property location when occupancy changes. If a container is removed from the property, it shall be the responsibility of the property owner to purchase another container from the Town. Yard waste containers are optional and are available for purchase by the resident. All containers shall be maintained in good condition and shall be in serviceable condition at all times.
- (10) *Garbage* means all putrescible waste that is solid waste capable of being decomposed by microorganisms with sufficient rapidity to cause nuisances from odors and gasses, such as kitchen wastes, offal and carcasses, including animal offal and carcasses and recognizable industrial

byproducts, but excluding sewage and human waste. Offal, carcasses, and pet feces shall be securely bagged for collection.

(11) *Hazardous waste* means a solid waste, or combinations 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.

(12) *Lead acid battery* means any battery containing lead, acid, or both.

(13) *Litter* includes, but is not limited to, waste, refuse, waste materials or any other discarded, used or unconsumed substance which is not handled as specified herein.

(14) *Loose leaves* means tree/plant foliage that has fallen from tree/plants and has been placed along the street in rows or pile, not in bags for collection.

(15) *Medical waste* means any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research or pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste identified or listed pursuant to this article, radioactive waste, household waste as defined in 40 Code of Federal Regulations, section 261.4(b)(1) in effect July 1, 1989, or those substances excluded from the definition of solid waste in this section.

(16) *Oil* means any oil new or used 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 due to the presence of impurities or loss of original properties, but which may be suitable for further use and is economically recyclable.

(17) *Recyclable material* means those materials which are capable of being recycled, can be marketed at a value greater than the costs associated with processing and shipping that material to a buyer, and which would otherwise be processed or disposed of as solid waste. Examples of recyclable materials are as follows: newspaper and accompanying inserts, magazines, corrugated cardboard, mixed and office paper (excluding sanitary products), telephone books, plastic bottles (#1 PETE), plastic containers (#2 HDPE), steel cans, aluminum cans, glass containers, and other material determined to be recyclable by the Public Services Director.

(18) *Refuse* means all non-putrescible waste.

(19) *Resident* means owner or occupant of a dwelling.

(20) *Sharps* means and includes needles and syringes with attached needles.

(21) *Sharps container* means a container manufactured and approved for the disposal of sharps. The container must be rigid, leak-proof when in the upright position, puncture-resistant, and shall be labeled with a water resistant universal biohazard symbol.

(22) *Solid waste* means hazardous or nonhazardous 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. The term does not include:

- (a) Fecal waste from fowls and animals other than humans.
- (b) Solid or dissolved material in:
 - Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment, and disposal systems which are designed to discharge effluents to surface waters:
 - Irrigation return flows; and
 - Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits and 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 sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this article.
- (c) Oils and other liquid hydrocarbons controlled under article 21A of chapter 143 of the General Statutes. 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 article.
- (d) Any source, special nuclear or byproduct material as defined the Atomic Energy Act of 1954, as amended (42 U.S.C. Par. 2011).
- (e) Mining rules 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 article.

(23) *Town* means the Town of Jamestown.

(24) *White goods* include inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

(25) *Yard Waste* means solid waste consisting solely of vegetative matter which includes, but is not limited to, tree limbs, grass clippings, weeds, bush clippings, leaves, brush, etc. resulting from regular maintenance of yards, gardens, and landscaping maintenance activities. Yard waste does not include entire trees, large tree trunks, stumps, or clearing activities. It also does not include any material generated by any commercial lawn maintenance, landscaping, and/or tree companies.

Article II. - Rules and regulations authorized.

The administration and enforcement of the provisions of this Ordinance shall be the duty of the Public Services Department under the direction of the Town Manager, the Public Services Director, and their designees.

The Town Manager, the Public Services Director, or their designees may make such rules and regulations consistent with this Ordinance, as they deem advisable to safeguard the health and welfare of the citizens of the Town in the disposal of garbage, ashes and other refuse. These rules, regulations, interpretations and policies shall be consistent with applicable state, federal, and local laws, and shall be consistent with generally accepted principles of effective management, oversight and control, and efficient operation.

Article III. - Ownership of materials.

Wet and dry garbage, recyclable materials, yard waste, bulk trash, large appliances and other authorized materials that are properly placed by an owner or occupant of a property at curbside for collection, are deemed to be abandoned by such person(s) and become the property of the Town or its authorized agent. Unauthorized materials may be denied pickup by Town staff and shall be considered litter after a period of forty-eight (48) hours.

Article IV. - Dumping solid waste, etc., on open lots prohibited; exception for landfilling.

No solid waste, yard waste, special waste, or other offensive material shall be dumped, thrown, or allowed to remain on any lot or space within the town limits. However, the owner of any lot or parcel of land desiring to conduct a fill operation shall apply for the appropriate permits, and any fill operation shall be conducted in accordance with all local, state, and federal rules, laws, and conditions contained in the permit.

Article V. - Littering.

It shall be unlawful to throw, place or deposit any refuse in any street, public place or on any private property within the Town limits, except in Town issued or approved containers as provided in this ordinance, or as approved by the Town Manager or their designee.

It shall be unlawful to place stumps or any other organic materials on any property, public or private, except in those specific areas designated for such use by the Town Manager or their designee.

No solid waste or any other waste or offensive or disease-producing material shall be dumped in any lot or space within the Town limits for the purpose of filling, or for any other purpose, without the consent of the Town Manager or their designee and the approval of the county environmental health division.

It shall be unlawful for any person to throw any garbage, peelings, or miscellaneous litter upon any of the sidewalks in the Town or upon the floors of any public buildings or other public places. It shall be unlawful for any person to place, drop or throw any litter, garbage, refuse, grass, shrubbery, tree clippings, bottles, cans, or containers of any kind upon any median strip, alleyway, street or street right-of-way, park or grass strip, or upon the private premises of another without permission of the owner or

person in control of such premises, or upon any public property; provided, however, that, the provisions of this section do not apply to those materials required to be placed for collection on the grass or park strip by this ordinance.

State law reference— Littering, G.S. § 14-399 et seq.; authority to regulate, collect, etc., solid wastes, G.S. §160A-303.1.

Article VI. - Refuse to be promptly removed.

No refuse that has become decayed or that shall otherwise be a menace to health or cleanliness shall be allowed to remain in any dwelling house, hotel, boardinghouse, cafe, restaurant, lunch stand, fruit stand, meat market, store or other building or on any premises for longer than forty-eight (48) hours.

Article VII. - Transportation of refuse by private persons.

It shall be unlawful to commercially collect, handle, haul or transport on any of the streets, public ways (alleys) or places of the Town, any refuse without obtaining the necessary licenses to do work in the Town.

Article VIII. - Refuse not collected by the Town.

- (a) Waste from the cleaning and dressing of any fish, flesh or fowl conducted by a commercial operation, such as fish markets, meat processing plants or other businesses of this nature will not be collected by the Town.
- (b) No building materials or refuse from building operations, construction materials or remodeling projects generated/performed by a professional contractor will be collected by Town staff. The contractor is responsible for disposal.

(Solid waste staff will collect building materials from small remodeling projects done by the homeowner; up to the equivalent of a 95-gallon container capacity per project)

Town staff will not collect yard waste and yard debris from landscape and maintenance projects performed by landscaping companies unless prior arrangements and payment of required fees with the Town have been made.

(Solid waste staff will collect landscaping materials from small landscaping projects; up to the equivalent of two 95-gallon containers capacity per project. Excessive amounts of debris will be evaluated on a case-by-case basis and fees charged accordingly.)

Owners of dead animals shall be responsible for their removal and disposal.

- (c) Animal or human excreta will not be collected by Town staff. Exceptions may include diapers or other garments specifically designed to collect such waste or pet waste which is properly bagged and secured. All items must be properly bagged and secured for collection.
- (d) Neither infectious waste nor hazardous waste will be collected by Town staff.
- (e) Items banned from landfills and compost sites, such as, but not limited to: tires; mattresses; lead acid batteries; paints; lubricants; oil filters; anti-freeze; wooden pallets; plastic yard waste bags and cardboard yard waste boxes; computer equipment; electronics; and televisions shall not be collected

by Town staff. Items not approved for placement in landfills and compost sites may be taken to the county's household hazardous waste recycling facility or other approved sites.

- (f) Oxygen tanks and other medical equipment; propane tanks, all oil tanks used for household purposes; parts of campers, boats, camper shells, trailers; automotive parts, including but not limited to engines, motors, doors, fenders, car seats, or batteries from a residentially used premises, etc. shall not be collected by the Town staff.
- (g) Town staff reserve the right not to service any authorized container that is contaminated and/or does not meet code requirements.

Article IX. - Refuse from outside corporate limits.

No refuse, collected outside the corporate limits of the Town, shall be disposed of at any location within the Town.

Article X. - Collection routes and schedules.

The Public Services Director or their designee shall establish collection routes and schedules and may alter these routes and schedules from time to time. The Public Services Director or their designee may establish and revise from time to time a policy relating to the number of times per week the Town will collect solid wastes from various classifications of premises and the maximum number of solid waste containers that the Town will service on any one (1) premises. No owner or occupant of any premises shall prohibit or prevent weekly solid waste collection services at the premises.

Article XI. - Service for persons who are physically disabled.

Special collection services for the physically disabled may be considered by the Public Services Director or their designee.

As a courtesy, special collection service is available for garbage and recycling on a once per week basis, provided that prior approval has been granted by the Public Services Director, upon verification of a valid medical reason by a medical doctor for those persons who are physically unable to place their refuse and recyclable items at the street. The Town also reserves the right to periodically verify the need to provide special collection service to residents who have been approved to receive the service. The Town reserves the right to continue or discontinue the special collection service. The Public Services Director or their designee shall have the authority to determine the proper location for collected items for disabled residents.

Article XII. - Curbside collection service.

Curbside refuse collection shall be by rollout container only and shall be serviced once per week. No customer shall place refuse outside of the container. The Town shall provide each service location with one (1) Town-approved container for refuse collection. If a customer requests additional containers, the Town may provide additional containers and the customer will incur additional fees at the rate of an additional service charge. For example – for each additional container, the customer will be charged an additional monthly service fee. If, in the discretion of the Public Services Director or their designee, it becomes necessary due to normal wear and tear to replace a container, the Town shall replace the container at no additional cost to the customer. The Public Services Director reserves the right, at their

sole discretion, to limit the number of containers permitted at one service location to ensure operational safety measures.

Yard waste and recyclable items shall be collected once per week. Yard waste must be placed in a Town-approved container. Plastic yard waste bags and cardboard boxes are not allowed at the compost site and yard waste placed in these containers will not be collected. Recyclable materials shall be placed in a Town-approved container. Recyclable materials shall be placed 'loose' in the container and shall not be placed in plastic bags. Plastic bags are considered contamination and Town staff shall not collect materials that are deemed contaminated. Mixing non-recyclable materials in the recycling container will result in a notice of violation and no collection.

Bulky Waste – The Town will provide bulk waste pickup a minimum of once monthly. The Public Services Director or their designee shall set a schedule and advertise it accordingly. Items for bulk pickup are items which cannot fit within the Town-approved container. This service is intended for the occasional disposal of furniture items, or other like items from a single residential property owner or tenant. The bulky items service is not intended as a cleanout/disposal for removing all items from a property. Bulky item service does not apply to any non-residential unit and is available to single-family homes only. There is a maximum amount of five (5) cubic yards (equating to eight (8) feet in length, four (4) feet wide, and four (4) feet high). All materials exceeding this amount shall be the responsibility of the property owner or occupant. If an owner or occupant requests removal of materials exceeding this amount, a collection fee as determined by the Public Services Director or their designee, shall be charged to the customer. Said fee shall be paid prior to Town staff removing the waste. It shall be a violation of this ordinance to place bulk items at the curb more than 48 hours prior to the scheduled collection day. Items placed at the curb outside the collection window shall be considered litter and shall be considered a violation of this ordinance.

Commercial Solid Waste – The decision to service a location with commercial dumpster service shall be determined by the Public Services Director or their designee. Approved containers shall be provided by the Town. If the Town desires to begin providing such service, fees shall be established by the Town Council.

The Town recognizes that certain communities were constructed in a manner which will unduly place pressures on the citizens who live there to have the standard Town-approved collection container. Those communities are identified as: Quarterpath Trace, Riverwalk West, Riverwalk I, The Crossings at Riverwalk, The Townes at Jamestown, and Olde Jamestown. Those communities shall have the right to choose between a smaller collection container for refuse collection, if available. Those customers who are currently using a small green bin for recycling collection shall be grandfathered and may continue to use those bins until such time that the customer requests a change to a rollout container, the bin becomes damaged beyond repair or lost, or the Public Services Director or their designee finds that there is an operational necessity to switch those customers to a rollout container.

The Town reserves the right to suspend, delay, or alter the time of collection of one or all services temporarily should snow, ice, storms, flooding, extreme heat/cold or other conditions make it unsafe for the public or employees during collection operations.

Town-served curbside collection services will be provided under the following conditions:

- (a) *Curbside collections scheduling.* Town-served curbside collection services will be provided on a day designated for collection by the Public Services Director or their designee. Solid waste should not be placed at the curbside prior to the day preceding the scheduled collection day. Containers shall be removed from the right-of-way within one day following the collection day.

- (b) *Eligibility for service under this section.* Eligibility for solid waste services will be evaluated on a case-by-case basis by the Public Services Director or their designee. Solid waste services may be denied to any location by the Public Services Director or their designee. Failure to pay solid waste fees may lead to a discontinuation of collection services, at the discretion of the Public Services Director.
- (c) *Approved solid waste containers.* Eligible customers shall use only Town-approved containers for all solid waste removal by the Town.
- (d) *Placement of containers.* In order to collect solid waste, the owner or occupant of each business, or household shall place all solid waste in approved containers and place such solid waste containers between the curb or traveled portion of the street and the property line closest to the curb of the premises from which the same is placed at or before 7:00 a.m., on the day fixed for collection. Solid waste will be collected and removed on the day fixed therefore by the Public Services Director or their designee. Public notice shall be given of any change of collection day. Town collection personnel shall not provide service if denied reasonable access by parked vehicles, equipment, fixed objects, low hanging wires or other obstructions.
- (1) The following rules shall apply for the removal of solid waste:
- a. No wooden boxes, barrels, or any other wooden receptacle, or any other receptacles except approved containers shall be used for collection of wet or dry garbage or recyclables. Solid waste collectors may remove all such wooden boxes and other receptacles, if so used. The customer will be notified of the nonconforming container and its use as a means of collection by Town staff will be terminated. Any exceptions shall be evaluated on a case-by-case basis by the Public Services Director or their designee.
 - b. For the purpose of collection, placement of containers will be at ground level, and the use of underground containers will not be permitted.
- (e) *Spilled materials.* Spilled materials or overflow not caused by Town collection crews shall be cleaned up immediately after such spillage or overflow by the property owner or occupant. Spilled solid waste materials caused by Town collection crews shall be cleaned up immediately after such spillage occurs by said crew.
- (f) *Recycling collection service.* Only recyclable materials should be placed in the containers. Mixing garbage, yard waste or other materials with recyclables will result in a notice of violation and no collection. Containers shall comply with items (c), (d), and (e) above.
- (g) *Yard waste collection service.*
- (1) Yard waste collection shall be provided to residential units and small businesses as approved by the Public Services Director or their designee.
 - (2) Yard waste shall be separated from all other refuse prior to collection. Collection staff shall collect yard waste as stated in (g)(1) above so long as it is properly prepared or placed in an approved container and in compliance with these regulations.
 - a. Grass clippings, small shrubbery clippings, leaves, and other small lawn debris shall be collected at the curbside provided that they are placed in paper yard waste bags or approved containers for collection. Such bags shall be specifically designed for yard waste, made of paper, in good condition and of such size and weight that when full,

do not weigh more than fifty (50) pounds each and are such that one (1) individual can easily pick up each bag, one (1) at a time, for disposal. Paper bags shall be secured at the top when placed at the curbside for collection.

- b. Limbs and large shrubbery to be collected by Town collection staff shall be no longer than six (6) feet in length and not to exceed fifty (50) pounds in weight and placed in an orderly manner at the curb.
 - c. Town staff will not collect yard waste and yard debris from landscape and maintenance projects performed by landscaping companies.
 - d. Tree trunks or tree stumps in excess of fifty (50) pounds will not be collected by Town collection staff.
 - e. Loose leaves shall be collected at the curblines by Town staff during a set period established by the Public Services Director or their designee. Public notice of this period shall be given. All other times during the year, leaves shall be bagged or placed in approved containers.
 - f. Loose leaves may be placed at the edge of the road (not in the road, ditchline or curblines) for loose leaf collection during the late fall and early winter each year (typically October through February). Collection schedules will be advertised and published. No other yard waste shall be included or mixed with loose leaves (no sticks, brush, or bagged leaves/grass).
- (h) *Large appliance (white goods) and mattress collection.* Collection of large appliances (white goods) and mattresses shall be provided as follows:
- (1) White goods and mattress collection will be provided to residential units and small businesses as approved by the Public Services Director or designee.
 - (2) White goods and mattress collection will not be provided to commercial establishments or industries.
 - (3) Residents must call the Town in order to schedule an appointment for appliance and mattress collection. Fees are required.
 - (4) Items not approved for placement in landfills may be taken to the county's household hazardous waste recycling facility or other approved sites.
- (i) *Fees for solid waste services.*
- (1) Fees for collection shall be instituted and approved by the Town Council.

Article XIII. - Medical waste and Sharps.

No medical waste shall be deposited or permitted to be deposited in the waste stream. The Director of Public Services shall terminate solid waste collection services to any establishment at which a violation of this section occurs. Such termination is not a penalty, but shall nevertheless be in addition to and not in lieu of the imposition of civil or criminal penalties for violation of this ordinance.

Article XIV. – Administration, Enforcement and Civil Penalties.

The administration and enforcement of the provisions of this chapter shall be the responsibility of the Public Services Department.

- (a) *Duty to comply and notice.* When an official of the Town finds a violation of any provision(s) of this ordinance, he shall notify the owner or occupant of the premises of the violation by posting a notice at the subject property, via certified mail, or by hand delivery to such person. Such person shall be required to remedy the violation within fourteen (14) days or else be subject to civil penalty as set out below. In addition, upon failure to remedy the violation, the official of the Town may proceed to correct the violation and impose the civil penalty against the owner or occupant as hereinafter set out. The Town of Jamestown also reserves the right to refuse service to a customer found to be in violation of this Ordinance.
- (b) *Civil penalty assessment.* Any person who violates any provision of this chapter shall be subject to an assessment of a civil penalty in the amount of fifty dollars (\$50.00) for each violation. If the violation is not remedied within stated time period, the Town may remedy the violation at the expense of the violator.
- (c) *Service of citation.* After being notified as set forth under subsection (a) above and upon failure to remedy the violation within the prescribed time, a civil penalty shall be invoked in the form of a citation stating the nature of the violation, the amount of the civil penalty, and directing the violator to pay the civil penalty within fifteen (15) days from the date of the citation. Such citation shall be served by either first class mail, personal service or posted at the subject property. Any of these methods of service shall be conclusively presumed to be valid, and no owner or occupant shall refuse service of the citation.
- (d) *Nonpayment.* If payment is not received within fifteen (15) days, in addition to other remedies for violation of this chapter, a civil action may be instituted in the nature of a debt to collect the civil penalties and court costs as may be assessed.
- (e) *Payment.* The civil penalties imposed herein and the proceeds therefrom, as collected by payment, civil action or otherwise, shall belong to the Town of Jamestown and shall be paid into the general fund of the Town of Jamestown under such conditions if any, as prescribed in the annual budget of the Town of Jamestown.

Fines should be mailed to the Town of Jamestown, PO Box 848, Jamestown, NC 27282 or fines may be paid at the Town of Jamestown Town Hall, 301 E. Main Street, Jamestown, NC. Payment should be made payable to the Town of Jamestown.

Adopted this the _____ day of _____, 2023

Lynn Montgomery, Mayor

Attest:

Katie M. Weiner, CMC, Assistant Town Manager/Town Clerk