

Ordinance No. _____

AN ORDINANCE AMENDING SECTIONS 10-1 AND 10-155 OF THE CHARLOTTE CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, THAT:

Section 1: Chapter 10 Section 10-1 and Chapter 10 Section 10-155 of the City Code is amended to read as shown in the attached Exhibit A, which is incorporated and made a part of this ordinance herein.

Section 2: This ordinance shall become effective upon adoption.

Approved as to form:

City Attorney

Exhibit A

Sec. 10-1. Definitions.

The following words, terms and phrases, and their derivatives, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appliances means refrigerators, ranges, water heaters, freezers, unit air conditioners, washing machines, dishwashers, clothes dryers, and other similar domestic and commercial appliances.

Administrative policy means the SWS document that provides guidance, information, and procedures to have items collected by SWS or its agents.

Building material means any items, materials, or substances used in the construction, demolition, or renovation of a structure. Examples of building materials include, but are not limited to, lumber, brick, stone, carpet, plumbing materials, plaster, concrete, roofing, floor coverings, or gutters.

Bulky waste means items that cannot be placed securely within a container. Examples of bulky waste include, but are not limited to, items such as household furnishings, household appliances, mattresses, box springs, tires, lawn equipment (i.e. mowers, rototillers, wheelbarrows), and similar household items.

Business enterprise means a sole proprietorship, corporation, professional corporation, nonprofit corporation, limited liability company, limited partnership, limited liability partnership, or any other partnership whether or not formed under the laws of the State of North Carolina. All foreign business enterprises must be licensed by the Secretary of State of North Carolina to do business in North Carolina.

Chronic offender means, as set forth in G.S. 160A-200.1, four or more violations of article III in the previous calendar year by the same property owner on any premises within the city.

Code enforcement means the division of the city's housing and neighborhood services department or any subsequent city department.

Commingled waste means any residential solid waste or small business garbage mixed with hazardous waste, industrial waste, or nonresidential waste.

Container means large waste container, personal container, and small waste container.

County tax administrator means the Mecklenburg county assessor's office, the Mecklenburg County tax collector's office, or any of their successors or assigns.

Curbside means the portion of property that is adjacent to or adjoining a roadway.

Department head means the manager of a city department.

Fee means the solid waste fees imposed by the city.

Foul odors mean offensive odors emanating from, but not limited to, garbage, or dead animals.

Garbage means all putrescible wastes, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.

Graffiti means any imagery made by a perpetrator that defaces a structure, or place. Examples of graffiti include, but are not limited to, writings, drawings, inscriptions, figures or marks of paint, ink, chalk, dye, or other similar substances regardless of the content, or other similar substances regardless of the nature of materials used in the commission of the defacing act.

Hazardous vehicle means a motor vehicle exhibiting any of the following:

- (1) A breeding ground or harbor for mosquitoes or other insects, snakes, rats, or other pests.
- (2) A point of weed or other vegetation overgrowth.
- (3) A point of collection for pools or ponds of water.
- (4) A point of concentration of gasoline, oil or other flammable or explosive materials.
- (5) So located that there is a danger of the motor vehicle falling or turning over.

- (6) A place in which debris, bottles, or other solid waste is discarded and is present within or around the motor vehicle.
- (7) A source of danger for children either through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass, or other rigid materials.
- (8) The creation of another similar condition or circumstance which exposes the general public to safety or health hazards.

Hazardous waste means a solid waste, or combination of solid wastes, which because of its quantity, concentration, physical characteristics, chemical characteristics, or infectious characteristics may (i) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or (ii) may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Heavily wooded lots means any premises being densely wooded with trees, shrubs, and overgrowth where equipment cannot maneuver because of the density of the area.

Industrial waste means solid waste generated by manufacturing processes or industrial processes that is not hazardous waste.

Junk means any item which creates a littered condition outside of an enclosed structure and in whole or part is rusted, wrecked, broken, junked, dismantled, or in inoperative condition. Any junk item completely enclosed in a structure is not subject to this definition. Examples of junk include, but are not limited to, dilapidated furniture, appliances, machinery, equipment, building materials, automotive parts, tires, or other similar items.

Large multi-family development means 30 or more residential units in a neighborhood or development approved by the city prior to January 1, 2018, or 12 or more residential units in a neighborhood or development approved by the city after January 1, 2018.

Large waste container means a dumpster, compactor, open-top container, and detachable container that is used for collecting, storing, or transporting residential solid waste. A large waste container has a minimum capacity of two cubic yards and picked up by a specially equipped truck for transporting the waste materials to the disposal site.

Lawful place and manner means strict compliance with the city's zoning ordinance.

Litter means any discarded materials that accumulate on a premises in an untidy manner.

Maximum allowance means the total amount of solid waste generated by a residential unit or nonresidential unit to be eligible for collection services by the city.

Motor vehicle means all machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

Naturalistic landscape means a carefully designed and intentionally maintained area of vegetation that reflects an ecosystem native to the southeastern United States using regionally native and adapted plant species.

Nonresidential unit means any place or area that is not a dwelling, domicile, or used as a residence. Examples of nonresidential unit include, but are not limited to, any use that is retail, manufacturing, wholesale, institutional, religious, government, or a nonprofit organization.

Nonresidential waste means any solid waste generated by a nonresidential unit. Examples of nonresidential waste include, but are not limited to, discarded building materials, any byproduct resulting from land disturbing activities, and large quantities of sod.

Nuisance means something that is dangerous or prejudicial to the public health or public safety.

Person means any natural person, owner, agent, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, occupant, lessee, tenant, or representative or group of individuals or entities of any kind.

Personal waste container means any container that is not a city-issued container, is used by a person for collection services of garbage and recyclables, and is smaller than a large waste container.

Persons with disabilities means any person who has a physical or mental impairment which substantially limits one or more major life activities and has a record of such an impairment.

Pollinator habitat means a landscape area designed to support pollinator species, including bees, butterflies, moths, and birds. It consists of a diverse selection of plants primarily native to the southeastern United States that provide nectar, pollen, and habitat across multiple seasons and is maintained without the use of pesticides to protect pollinator health.

Premises means private or public lots or parcels of land, sidewalks, rights-of-way, grass strips, or curbs up to the edge of the pavement of any roadway.

Public rights-of-way means land that is dedicated or otherwise legally established for public use.

Recyclables means any process by which solid waste or materials which would otherwise become solid waste are collected, separated, or processed, and reused or returned to use in the form of raw materials or products. Recyclables include glass jars, bottles, aluminum cans, steel cans, plastic soda and liquor bottles, newspapers and inserts, plastic milk and water jugs, spiral paper cans.

Repeat offender means, as set forth in G.S. 160A-200.1, four or more repeated violations of article III in the previous calendar year by the same property owner on the same premises within the city.

Residential solid waste means any solid waste generated by a residential unit. Examples of residential solid waste include, but are not limited to, recyclables and other solid waste, including yard waste.

Residential unit means a dwelling used by one or more natural persons as a residence, home, or domicile. The term does not include hotels, motels, inns, tourist camps, or other similar places that are required to collect a room occupancy tax.

Responsible person means, except as specified in section 10-141, any person owning the property, acting as manager or agent for the property, or in possession or control of the property (i.e. tenant, occupant, or lessee) shall be responsible for complying with this article and correcting any violation.

Roadway means, pursuant to G.S. 20-4.01(13), the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms "highway" and "street" and their cognates are synonymous.

Sign means the displaying of any symbol, logo, insignia, handbill, or advertisement for a person to read.

Small business garbage means any accumulation of paper, cardboard, packaging materials, rags, or accumulations of incidental garbage other than household trash, which is associated with the operation of stores, offices, churches, and commercial establishments.

Small multi-family development means five to 29 residential units in a neighborhood or development approved by the city prior to January 1, 2018, or five to 11 residential units in a neighborhood or development approved by the city after January 1, 2018.

Small waste container means the city-issued receptacle for use by a person for collection services of garbage and recyclables.

Solid waste means accumulations consisting of any combination of small business garbage, garbage, residential solid waste, bulky waste, yard waste, recyclables, and junk and may be collected by SWS.

Solid waste services means the city's department responsible for the collection of garbage, recyclables, yard waste, and bulky items from residential units and the collection of small business garbage from business enterprises. This may also be identified as SWS.

Special Tax District #1 means a section of the city bounded by 1-77, Brookshire Freeway, and the John Belk Freeway (1-277).

Yard waste means solid waste consisting solely of vegetative matter resulting from landscaping maintenance. Examples of yard waste include, but are not limited to, grass, weeds, leaves, tree trimmings, plants, shrubbery prunings, and such other similar materials.

Sec. 10-155.

- (a) It shall be unlawful for the owner and/or occupant of a premises to fail to cut overgrown grass, weeds, and other vegetation when the grass, weeds, and other vegetation is of a height greater than 12 inches. A civil penalty in the amount of \$150.00 may be issued to any person in violation of this section.
- (b) Vacant lots adjacent to improved property, except as defined as heavily wooded lots, shall be cut in their entirety. A civil penalty in the amount of \$150.00 may be issued to any person in violation of this section.
- (c) Vacant lots over one acre shall have a 100-foot buffer area cut adjacent to the nearest premises. A civil penalty in the amount of \$150.00 may be issued to any person in violation of this section.
- (d) It shall be the duty of the owner and occupant to cut and remove all grass, weeds, and other overgrowth vegetation as often as necessary so as to comply with this provision of this division.
- (e) Properly maintained pollinator habitats and naturalistic landscapes registered with the City are exempt from the provisions of this section.