

Ordinance No. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE I AND CHAPTER 10, ARTICLE II OF THE CITY CODE.

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

Section 1: Chapter 10, Article I and Chapter 10, Article II 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

**ARTICLE I. IN GENERAL**

**Sec. 10-1. Definitions.**

The following words, terms and phrases, and their derivatives, when used in this chapter 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 for items to be 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.

*City* means City of Charlotte.

*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 waste 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 premises that is adjacent to or adjoining a roadway.

*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 waste container* means a dumpster, compactor, open-top container, and detachable receptacle 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. This is a receptacle that is not a city-issued receptacle.

*Large Waste Container-eligible development* means 30 or more residential units in a residential development approved by the city prior to January 1, 2018, or 12 or more residential units in a residential development approved by the city after January 1, 2018. For this definition, any calculation of the number of the residential units shall include those residential units in duplexes, triplexes, quadraplexes, apartments, condos, townhomes, and/or residential units sharing a common wall or roof. This definition excludes detached single-family dwellings.

*Lawful place and manner* means strict compliance with the city's Unified Development 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 that could be collected 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 a 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 receptacle that is not a city-issued receptacle.

*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 or public right-of-way.

*Public right-of-way* means any 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.

*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 waste container* means the city-issued receptacle.

*Small waste container-eligible development* means 29 or less residential units in a residential development approved by the city prior to January 1, 2018, or 11 or less residential units in a residential development approved by the city after January 1, 2018. For this definition, any calculation of the number of the residential units shall include those residential units in duplexes, triplexes, quadraplexes, apartments, condos,

townhomes, and/or residential units sharing a common wall or roof. This definition excludes detached single-family dwellings.

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

*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.

*SWS department head* means the director of solid waste services.

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

*Unified Development Ordinance approval* means any approval of a premises for purposes of zoning, subdivision, or development by the City's Planning, Design and Development department, or other designated department of the city.

*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. 10-2. Smoking in city-owned buildings.**

- (a) As used in this section, the term "smoking" shall mean the inhaling, exhaling, burning or carrying of a lighted pipe, cigarette or other combustible tobacco product.
- (b) Smoking shall not be permitted within any building owned by the city or within any building or space leased by the city. The manager or person in charge of the building shall conspicuously post signs within the building stating that smoking is not permitted. For example, the foregoing shall apply, but shall not be limited to, the following buildings and facilities: the Charlotte-Mecklenburg Government Center, Old City Hall Building, fire stations, Ovens Auditorium, the old and new Convention Center, the Coliseum, the Independence Arena, the North Carolina Blumenthal Performing Arts Center, the Mint Museum, Discovery Place, the Afro-American Cultural Center and Charlotte-Douglas International Airport. However, the manager or person in charge of a city-owned or -leased building may, in his discretion, designate smoking areas within the facility if he determines that it is feasible to adequately contain and ventilate the smoke from such smoking areas. The location and size of the smoking areas, if any, shall be determined by the manager or person in charge. Signs shall be conspicuously posted in any area designated as a smoking area.
- (c) No person shall smoke in a nonsmoking area in a city-owned or -leased building or smoke in any city-owned or -leased vehicle in violation of subsection (c). Any person who continues to smoke in any nonsmoking area or in any city-owned or -leased vehicle in violation of subsection (c) following notice by the person in charge

or his designee that smoking is not permitted shall be subject to a civil penalty in the amount of \$50.00. If the penalty is not paid or appealed within 30 days of its issuance, a delinquency charge of \$25.00 shall be added to the amount of the penalty. This civil penalty and delinquency charge may be recovered by the city in a civil action in the nature of a debt if the violator does not pay the full amount within 15 days after the imposition of the delinquency charge. This subsection shall not apply to public transportation vehicles, which shall be governed by section 15-272.

**Secs. 10-3—10-24. Reserved.**

***ARTICLE II. SOLID WASTE SERVICES***

**Sec. 10-25. Purpose; conflicts.**

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 city. Whenever this article conflicts with any other portion of the city Code, this article shall prevail with respect to any matters relating to solid waste services.

**Sec. 10-26. Authority of department head.**

- (a) The SWS department head shall have the discretion to implement the aim and intent of this ordinance by determining:
  - (1) The appropriate type, quantity, or size of any container for the provision of service by the city pursuant to section 10-30.
  - (2) Whether any item constitutes bulky waste or junk under section 10-33.
  - (3) Whether the collection of an item could impair or affect the health and safety of city employees or any of the city's agents.
  - (4) The maximum allowance permitted to be placed in a container for collection service.
  - (5) The maximum allowance permitted to be placed at curbside.
- (6) Whether any specific item of nonresidential waste should be excluded from any service pursuant to section 10-30(b) and section 10-30(c). (b) When evaluating a property and/or residential development for service eligibility by the city, the SWS department head may take into consideration its size, density, configuration, and Unified Development Ordinance approval date. If no space or inadequate space is set aside for containers on the premises in accordance with Article 21 of the Unified Development Ordinance and prior to any Unified Development Ordinance approval, then the premises shall not be eligible for service by the city or any of the city's agents.
- (c) Any changes to the initial Unified Development Ordinance approval of development configurations, lot lines, phase lines, or variations in forms or timing of ownership, which may be approved under any provisions of the Unified Development Ordinance, will not enable a person to receive a different form of service under section 10-30 and 10-31 than the service the person received after the initial approval.

- (d) Collection schedules shall be determined by the department head and may be altered to observe holidays or for emergency situations.
- (e) The SWS department head shall have the authority to decline to perform any collection service if the solid waste:
  - (1) Is not prepared in accordance with this article.
  - (2) Exceeds the maximum weight and/or amount that two collection personnel would be reasonably expected to lift and load into a collection vehicle.
  - (3) Cannot be placed on or in the collection vehicle due to its size.
- (f) The SWS department head shall have the authority to investigate whether a person is exceeding the maximum allowance. Any solid waste above the maximum allowance will not be collected by the city or any of the city's agents.
- (g) The SWS department head shall have the authority to assess a purchase price for any small waste container.
- (h) The SWS department head shall have the authority to develop and revise an administrative policy which explains how items shall be prepared to facilitate collection services.

**Sec. 10-27. Interference with authorized personnel prohibited.**

It shall be unlawful to interfere, harass, or otherwise impede any person authorized by the city to carry out the duties and responsibilities set forth in this article. A law enforcement official shall have the authority to arrest a person for violation of this section.

**Sec. 10-28. Unauthorized collection prohibited.**

It shall be unlawful for any person to collect, pick up, or cause to be collected or picked up, any solid waste unless the person is authorized by the city.

**Sec. 10-29. Ownership of materials.**

All solid waste, which is properly placed at curbside for collection, is deemed to be abandoned and become the property of the city or its agents.

**Sec. 10-30. Types of primary service.**

- (a) *Residential solid waste services.*
  - (1) This service shall be provided to city facilities and the following residential units: detached single-family dwellings, accessory dwelling units, small waste container-eligible development, and large waste container-eligible development.
  - (2) Any residential solid waste shall be in an amount less than the maximum allowance.
  - (3) If a premises includes both residential units and nonresidential units, then the nonresidential units on the premises are prohibited from receiving service pursuant to section 10-30(a).

(b) *Small business garbage.*

- (1) This service shall be provided to any business enterprise only generating nonresidential waste and in an amount less than the maximum allowance.
- (2) If a premises includes both residential units and nonresidential units, then the nonresidential units on the premises are prohibited from receiving service pursuant to section 10-30(a) but may receive service pursuant to section 10-30(b) if deemed eligible.

(c) *Special tax district #1 small business garbage.*

- (1) This service shall be provided to any business enterprise only generating nonresidential waste and in an amount less than the maximum allowance.
- (2) Nothing in this section shall mandate or imply an entitlement to multiple same-day collections or more than once per day collection service.
- (3) If a premises includes both residential units and nonresidential units, then the nonresidential units on the premises are prohibited from receiving service pursuant to section 10-30(a) but may receive service pursuant to section 10-30(c) if deemed eligible.

(d) *Persons with disabilities solid waste service.*

- (1) This service allows for collection of small waste containers in an amount less than the maximum allowance for a person with a disability, where undertaking the act of moving and removing a small waste container would clearly and seriously threaten that person's health.
- (2) A valid medical verification form must be submitted to SWS and must be approved before a person can receive this service.
- (3) A valid medical verification may be requested subsequently by the city to determine a person's continued eligibility. If more than sixty days have passed since the city requested a medical verification and a medical verification has not been provided, then the city may discontinue this service.
- (4) This service shall not be provided to any premises receiving service pursuant to section 10-30(b) or section 10-30(c).

**Sec. 10-31. Types of waste container.**

(a) *Small waste container.*

- (1) Residential units that are detached single-family dwellings and accessory dwelling units are eligible to receive small waste containers for service pursuant to section 10-30(a), section 10-30(d), and section 10-32(b).
- (2) Small waste container-eligible developments are eligible to receive small waste containers for service pursuant to section 10-30(a), section 10-30(d), and section 10-32(b).
- (3) A business enterprise is eligible to receive a small waste container for service pursuant to section 10-30(b) and section 10-30(c).

- (4) Any other residential units that have been issued a small waste container and have been receiving service pursuant to section 10-30(a) prior to January 1, 2018.
- (5) No person shall use or permit the use of any small waste container except for its intended use.
- (6) Garbage shall be drained of all liquid and enclosed in securely tied plastic bags before it is placed into any small waste container.
- (7) Small waste containers shall be placed at the curbside no earlier than the day before collection and no later than 6:00 a.m. on the day of collection for service pursuant to section 10-30(a) and section 10-32(b). Any small waste container shall be removed by 11:59 p.m. on the day of collection.
- (8) Small waste containers shall be placed at the curbside no earlier than the day before collection and no later than 6:00 a.m. on the day of collection for service pursuant to section 10-30(b). Any small waste containers left at the curbside shall be removed by 11:59 p.m. on the day of collection.
- (9) Small waste containers shall be placed at any designated location by 7:00 a.m. on the day of collection for service pursuant to section 10-30(c). Any small waste containers left at the curbside shall be removed by 5:00 p.m. on the day of collection.
- (10) A small waste container must be placed at ground level, within six feet of the curbside and at least three feet away from each other or other obstacles such as mailboxes, telephone poles, automobiles, bulky waste, trees, etc., or in a location specified by the SWS department head. A person should use reasonable care and caution when placing a small waste container along the curbside and should avoid interfering with the access to or denying the use of a sidewalk by others.
- (11) A small waste container will not be collected if collection personnel:
  - i. Have to unlock or open a door.
  - ii. Have to unlock a gate or similar obstacle and lack the necessary access code.
  - iii. Encounter a vicious or aggressive animal.
  - iv. Are denied reasonable access by parked motor vehicles, equipment, or other objects.
  - v. Would be required to ascend or descend multiple steps to obtain access to any small waste container.
  - vi. Observe that damage to the small waste container would prevent collection service from occurring.

(b) *Personal waste container.*

- (1) Any person may use a personal waste container for service pursuant to section 10-32(a).

- (2) Any personal waste container shall be placed at the curbside no earlier than the day before collection and no later than 6:00 a.m. on the day of collection for service pursuant to section 10-32(a). Any personal waste container shall be removed by 11:59 p.m. on the day of collection.
- (3) A personal waste container must be placed at ground level, within six feet of the curbside and at least three feet away from each other or other obstacles such as mailboxes, telephone poles, automobiles, bulky waste, trees, etc., or in a location specified by the SWS department head. A person should use reasonable care and caution when placing a personal waste container along the curbside and should avoid interfering with the access to or denying the use of a sidewalk by others.

(c) *Large waste container.*

- (1) Large waste container-eligible developments and city facilities must obtain large waste containers in order to receive service pursuant to section 10-30(a).
- (2) Large waste containers should be kept in a good state of repair.
- (3) No objects, obstructions, or motor vehicles should hinder the collection of any large waste container.
- (4) Garbage shall be drained of all liquid and enclosed in securely tied plastic bags before it is placed into any large waste container.
- (5) To the extent that a large waste container may be rolled to a location for collection, any large waste container shall be placed at the curbside no earlier than the day before collection and no later than 6:00 a.m. on the day of collection for service pursuant to section 10-30(a). Any large waste container shall be removed by 11:59 p.m. on the day of collection.
- (6) To the extent that a large waste container may be rolled to a location for collection, any large waste container must be placed at ground level, within six feet of the curbside and at least three feet away from each other or other obstacles such as mailboxes, telephone poles, automobiles, bulky waste, trees, etc., or in a location specified by the SWS department head. A person should use reasonable care and caution when placing a large waste container along the curbside and should avoid interfering with the access to or denying the use of a sidewalk by others.

**Sec. 10-32. Types of secondary collection services.**

(a) *Yard waste collection service.*

- (1) Items shall be placed at the curbside no earlier than the day before collection and by no later than 6:00 a.m. on the day of collection. Any personal waste container or bag shall be removed by 11:59 p.m. on the day of collection.
- (2) This service shall be provided to the following residential units: detached single-family dwellings and accessory dwelling units.
- (3) This service may be provided to any small waste container-eligible development if the small waste container-eligible development uses small

waste containers pursuant to section 10-31(a) for any service pursuant to section 10-30(a).

- (4) Yard waste shall be placed in any personal waste container or bag as required by the SWS department head at the curbside for collection. Any bag containing yard waste shall not be secured or tied.
- (5) Yard waste must be placed at ground level, within six feet of the curbside and at least three feet away from each other or other obstacles such as mailboxes, telephone poles, automobiles, bulky waste, trees, etc., or in a location specified by the SWS department head. A person should use reasonable care and caution when placing a yard waste along the curbside and should avoid interfering with the access to or denying the use of a sidewalk by others.

(b) *Recyclables.*

- (1) Requirements for any detached single-family dwelling, accessory dwelling units, and any small waste container-eligible development that uses small waste containers.
  - i. A small waste container must be placed at ground level, within six feet of the curbside and at least three feet away from each other or other obstacles such as mailboxes, telephone poles, automobiles, bulky waste, trees, etc., or in a location specified by the SWS department head. A person should use reasonable care and caution when placing a small waste container along the curbside and should avoid interfering with the access to or denying the use of a sidewalk by others.
  - ii. A small waste container will not be collected if collection personnel:
    1. Have to unlock or open a door.
    2. Have to unlock a gate or similar obstacle and lack the necessary access code.
    3. Encounter a vicious or aggressive animal.
    4. Are denied reasonable access by parked motor vehicles, equipment, or other objects.
    5. Would be required to ascend or descend multiple steps to obtain access to any small waste container.
    6. Observe that damage to the small waste container would prevent collection service from occurring.
- (2) Requirements for large waste container-eligible development and any small waste container-eligible development that uses large waste containers.
  - i. All recyclables shall be placed in personal waste containers authorized by the city and/or provided by the city's agents.
  - ii. Any personal waste container and any overflow materials shall be segregated from all other solid waste at the collection location.

- iii. Any personal waste container is the responsibility of the city's agents to maintain or replace.

**Sec. 10-33. Collection of bulky waste and junk.**

- (a) Collection of bulky waste and junk must be scheduled with the city before collection can occur. Any person requesting collection of bulky waste and junk must obtain a date of collection from the city.
- (b) Bulky waste and junk shall be placed at the curbside no earlier than the day before the day of collection and by no later than 6:00 a.m. on the day of collection.
- (c) Bulky waste and junk must be placed at ground level, within six feet of the curbside and at least three feet away from each other or other obstacles such as mailboxes, telephone poles, automobiles, trees, etc., or in a location specified by the SWS department head. A person should use reasonable care and caution when placing bulky waste and junk along the curbside and should avoid interfering with the access to or denying the use of a sidewalk by others.
- (d) No collection of bulky waste and junk will be provided for:
  - (1) Commercially related activities involving, but not limited to, building material, appliances, and equipment. Such commercially related activities are the responsibility of the person owning, leasing, or possessing the premises.
  - (2) Any person receiving service pursuant to section 10-30(b) and section 10-30(c).
  - (3) Oxygen tanks and other medical equipment.
  - (4) Propane tanks.
  - (5) Parts of campers, boats, camper shells, and trailers.
  - (6) Automotive parts including, but not limited to, motors, doors, fenders, car seats, or batteries.
  - (7) Oil tanks used for household purposes.

**Sec. 10-34. Restrictions on the collection of specific items.**

- (a) *Appliances.* An appliance shall be emptied of its contents before it will be collected pursuant to section 10-33.
- (b) *Ashes.* Any ashes must be wetted, cool to the touch, and placed in a plastic bag that is securely tied. No collection of ashes pursuant to section 10-30 will occur unless this provision is met.
- (c) *Broken and sharp items.* All dangerous items and/or waste materials of an injurious nature shall not be placed in a container for disposal or collected pursuant to section 10-33 unless they are securely wrapped and marked so as to prevent injury to the collection personnel. These dangerous items and/or waste materials of an injurious nature include, but are not limited to, broken glass, light bulbs, sharp pieces of metal, fluorescent tubes, and television tubes.
- (d) *Building materials.*

- (1) The following building materials may be collected pursuant to section 10-33 if the residential unit's repair or renovation does not result from contractual work or commercially related activities:
  - i. Wooden pallets only if they are broken into smaller pieces (i.e. the size of boards or lumber) with nails removed or bent down.
  - ii. Large plumbing materials.
  - iii. Space heaters.
  - iv. Hot water heaters.
  - v. Collapsed accessory buildings.
  - vi. Guttering.
  - vii. Doors.
  - viii. Windows.
  - ix. Lumber and boards.
  - x. Plywood, paneling, and pressboard.
  - xi. Carpet and padding.
  - xii. Gauge fence wire.
- (2) The city will not collect any of the following: dirt; rock; board with nails protruding; natural stone countertop; duct or sheet metal material; concrete block; brick; natural stone floor covering; fence post with concrete adhered to them; pipe post with concrete adhered to them; sand; concrete; central air conditioning unit; heating unit; pallet not prepared pursuant to section 10-34(d)(1)(i); ceramic tile; sheet rock; or roofing or plaster.
- (e) *Christmas trees.* Any artificial Christmas trees shall be collected pursuant to section 10-33. All natural Christmas trees shall be collected as yard waste pursuant to section 10-32(a).
- (f) *Contagious disease material.*
  - (1) If highly infectious diseases have occurred in a residential unit or at other places, then any items exposed to highly infectious diseases shall not be placed in any container for collection pursuant to section 10-30 nor scheduled for collection of bulky waste and junk pursuant to section 10-33.
  - (2) Any items exposed to highly infectious diseases shall be removed pursuant to the supervision and direction of the local health department.
  - (3) Where the local health director finds and declares the existence of an epidemic, or finds and declares that an epidemic is threatened, all solid waste collected by city or any of the city's agents shall be taken immediately to the disposal site and shall be disposed of as the local health director and SWS department head may order.
- (g) *Dead animals.*

- (1) A person owning or possessing a dead animal, which weighs in excess of 100 pounds, shall be responsible for the removal and disposal of the dead animal.
  - (2) If a person's ownership or possession of the dead animal cannot be identified and the dead animal is in the roadway or near the curbside, then SWS shall remove the dead animal upon notification of its existence.
- (h) *Fifty-five-gallon drums.* No 55-gallon drum or larger shall be collected or used as a container for any service pursuant to section 10-30, section 10-32, and section 10-33.
- (i) *Glass.* All glass in windows, doors, mirrors, and other items with large expanses of glass must have the glass taped at minimum with an "X" mark from corner to corner and with a "t" from top to bottom so it will not shatter during collection for service pursuant to section 10-33.
- (j) *Hypodermic instruments.* Any hypodermic syringe, hypodermic needle, or any instrument or device for making hypodermic injections shall be:
- (1) Broken, disassembled, destroyed, or otherwise rendering such device inoperable and incapable of reuse; and,
  - (2) Placed in either a milk jug, coffee can with a lid, or such similar cannister with a sealed top; and,
  - (3) Prepared for collection in a manner to avoid the possibility of causing injury to collection personnel.
- (k) *Industrial waste.* No industrial waste shall be placed in containers or collected by the city or the city's agents. Industrial waste shall be collected, removed, and disposed of by the operator of the factory, plant, or business enterprise creating or causing the same.
- (l) *Large furniture items.* Any large furniture items shall be dismantled prior to collection for service pursuant to section 10-33.
- (m) *Lawn mowers.* Gasoline and oil must be removed from all push mowers prior to collection for service pursuant to section 10-33. No ride on mowers will be collected by the City.
- (n) *Paint cans.* All paint cans shall have lids removed, contain no wet paint, and double bagged prior to collection for service pursuant to section 10-30. Kitty litter or sand may be added to solidify paint material.
- (o) Pet waste shall be enclosed in double plastic bags and securely tied prior to placement in any small waste container or large waste container.
- (p) Soiled diapers shall be enclosed in double plastic bags and securely tied prior to placement in any small waste container or large waste container.
- (q) Soiled kitty litter shall be enclosed in double plastic bags and securely tied prior to placement in any small waste container or large waste container.
- (r) *Tires.* All tires from the following shall be eligible for collection for service pursuant to section 10-33: bicycles; automobiles; motorcycles; large vans; mini vans; and

small pickup trucks. Tires from large trucks, from farm equipment, or on any rim shall not be eligible for collection.

**Sec. 10-35. Solid waste services fee.**

- (a) *Purpose.* This fee is for the provision of services set forth in section 10-30(a), section 10-30(d), section 10-32, and section 10-33.
- (b) *Eligibility and ownership date.*
  - (1) The fee shall be imposed upon any premises receiving service pursuant to section 10-30(a), section 10-30(d), section 10-32, and section 10-33 by the city or the city's agents as of January 1.
  - (2) The premises' ownership shall be determined as of January 1 for each successive fiscal year.
  - (3) Any changes to the premises' ownership between January 2 and December 31 will not cause the premises to lose its eligibility for imposition of the fee.
  - (4) No fee shall be imposed by the city upon any premises if the premises receives service from a business enterprise providing solid waste collection service.
- (c) *Administration.*
  - (1) The fee shall be:
    - i. Billed with property taxes; and,
    - ii. Payable in the same manner as property taxes; and
    - iii. Collected in any manner by which delinquent personal or real property taxes can be collected.
  - (2) The fee may be billed by a separate bill if:
    - i. Property taxes are not levied upon the premises.
    - ii. The structure is exempted from property taxation.
  - (3) If a fee should have been assessed during a fiscal year but was not assessed, then the city may levy the unassessed fee for the year in which discovered and for any of the preceding five years during which it escaped assessment.
  - (4) If there are multiple owners of a premises and such multiple owners are assessed separately for the property taxes, then the fee shall be levied on a ratable basis in accordance with the percentage of interest owned by the multiple owners.
  - (5) The fee shall be a lien on real and personal property under the same rules as set forth in G.S. 105-355, 160A-314.1, and other sections of the Machinery Act.
  - (6) The county tax administrator may promulgate additional rules and regulations necessary for the implementation of this section not inconsistent with the specific provisions set forth in this section.
- (d) *Adjustments.*

(1) Notice of exception

- i. Any property owner, whom is assessed a fee, may file a notice of exception in writing with the county tax administrator. The notice of exception should include documentation supporting the property owner's argument. The filing of a notice of exception shall not relieve a property owner of the obligation to pay the fee prior to the date interest accrues.
- ii. The county tax administrator shall provide a copy of the notice of exception to the SWS department head. A hearing may be scheduled. The SWS department head shall determine if the fee is or is not owed by the property owner. The SWS department head shall issue a written decision to the property owner and provide a copy to the county tax administrator.
- iii. If the SWS department head determines the fee is owed, the property owner shall have fifteen days from the receipt of the written decision to appeal to the city manager's office. The city manager's office shall review the information and determine if the fee is or is not owned by the property owner. The city manager's office shall issue a written decision to the property owner and provide a copy to the SWS department head and the county tax administrator.
- iv. If a written decision is favorable to the property owner, then the city shall issue a refund.

- (2) If a fee has been assessed in an amount that is in excess of the amount established by city, then the city shall refund, rebate, or credit an appropriate amount to any affected property owner.

**Sec. 10-36. Small Business Garbage Fee.**

- (a) *Purpose and Eligibility.* This fee is for the provision of services set forth in section 10-30(b) and section 10-30(c).
- (b) *Administration.* The fee can be billed as an invoice that is due within thirty (30) days after issuance in order to commence any service pursuant to section 10-30(b) and section 10-30(c).
- (c) *Adjustments.*

(1) Notice of refund request.

- i. Any person, whom is assessed a fee, may file a notice in writing with the SWS department head. The notice should include documentation supporting the person's argument.
- ii. If the SWS department head determines the fee is owed, the person shall have fifteen days from the receipt of the written decision to appeal to the city manager. The city manager's office shall review the information and determine if the fee is or is not owned by the property owner. The city manager's office shall issue a written decision to the property owner and provide a copy to the SWS department head.

- iii. If a written decision is favorable to the person, then the city shall issue a refund.
- (2) If a fee has been assessed in an amount that is in excess of the amount established by the city, the city shall refund, rebate, or credit an appropriate amount to any affected person or property owner.

**Secs. 10-37—10-99. Reserved.**