

TOWN OF CEDAR POINT



**SOLID WASTE
DISPOSAL ORDINANCE
OCTOBER 24, 2006**

SECTION 1.

Definitions.

For the purpose of this ordinance, certain terms and words are defined as follows:

Construction debris means rubbish from construction, remodeling, and repair operations on houses, commercial buildings, and other structures, including, but not limited to, excavated earth stones, brick, plaster, lumber, concrete and waste parts occasioned by installations and replacements.

Business location means any structure that is adapted for transaction of business, for rendering of professional services, for amusement, for the display or sale or storage of goods, wares, merchandise, articles or equipment, including hotels, rooming houses, mobile home parks, campgrounds, office buildings, public buildings, stores, theaters, markets, restaurants, warehouses, sheds, barns, and other structures or premises used for or adapted to business, rental, commercial, or income-producing purposes.

Garbage means animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including a minimum amount of liquid necessarily incident thereto.

Hazardous refuse means materials such as poisons, acids, caustics, chemicals, infected materials, offal, explosives, radioactive materials, and other volatile or potentially dangerous substances.

Industrial waste means sawdust, shavings, feathers, cartons, boxes, metal, glass, paper, wood, textiles, chemicals, plastic, or other waste materials from processing plants, factories, or manufacturing operations.

Refuse means all solid waste, including, but not limited to, garbage, rubbish and waste.

Rubbish means dry waste materials, including but not limited to paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, small mineral matter, glass, crockery, dirt, earth, and dust.

Waste means useless, unused, unwanted, or discarded materials resulting from natural community activities, including solids, liquids and gases.

White goods means old and/or discarded refrigerators, washers, dryers, water heaters, stoves, and other appliances taken from or removed from a residence or business location.

Yard debris means tree, bush, and hedge branches, cuttings and trimmings, yard trimmings, grass, leaves, and other natural organic matter removed from the property.

SECTION 2.

Refuse Collection Practices.

- (a) The town will provide for the collection, removal, and disposal of certain refuse in the town with the collection times, routes and schedules established by the town.
- (b) Business locations shall be required to arrange for the collection, removal, and disposal of refuse individually. The town does not provide these services for business locations.
- (c) Industrial waste shall be collected, removed, and disposed of by the operator of the factory, plant, or enterprise creating or causing the same in accordance with the applicable provisions of this Code.
- (d) Building rubbish/construction debris shall be collected, removed, and disposed of by the contractor or builder, or in their failure, by the owner of the property.
- (e) No white goods item shall be collected, removed, and disposed of by the town.
- (f) No hazardous waste shall be collected by the town.

SECTION 3

Collection and Disposal Practices for Business Locations.

- (a) Every business location shall separately provide for and/or contract for the collection and disposal of all refuse regulated hereunder. Every such business location, upon written request from the town, shall notify the town in writing as to the method of refuse collection and disposal for that business location, the name of the contractor providing service, the frequency of collection, and the type and location of the container(s) to be used. Such business location shall provide such information in writing to the town in response to the town's request within fifteen (15) business days following notification.
- (b) Any business or commercial location which shall fail to provide for or contract for refuse collection services required hereunder, or shall discontinue refuse collection services, so that refuse shall accumulate or be placed upon the property or business location to such an extent that the town should thereafter determine that the conditions created by the accumulation of the refuse is dangerous or prejudicial to the public health or public safety, then the town shall have the authority to summarily remove, abate, or remedy said condition pursuant to G.S. 160A-193.

The town shall first notify the business or commercial location in writing that said condition is dangerous or prejudicial to the public health or safety and that said condition

must be removed or abated, and upon failure of the business or commercial location thereafter to remove said public health nuisance, then the town pursuant to G.S. 160A-193, may summarily remove or abate said dangerous condition and may thereafter charge all costs of clean up and summarily abate said conditions to the business or commercial location, which shall be a lien upon the land or premises of the business or commercial location where the condition arose, and said fees or charges shall be collected as unpaid taxes.

SECTION 4

Refuse Containers.

Every residential unit where refuse exists shall provide a sufficient number of containers for each residential unit in which shall be deposited all refuse existing or generated at such premises.

Furthermore:

(1) Each residential unit must have a minimum of one (1) 90-gallon roll-out container. All containers shall be kept in good condition. A container in good condition will maintain the originally intended functionality of the container and prevent the intrusion of wind and precipitation.

(2) Each residential unit shall move the container to the curb in front of the residence prior to the collection on the days trash is being collected.

Residential units occupied by individuals who are physically unable to roll-out a 90-gallon rollout container shall notify the town and arrangements will be made for collection of the container from beside the residence.

(3) Unless exempted by the Town, every condominium complex, townhouse complex, and multifamily location within the town required to use a bulk container shall be responsible for either purchasing or renting one (1) or more bulk containers at the separate cost of the condominium complex, townhouse complex, and/or multi-family location. Each condominium complex, townhouse complex, or multi-family location which is required to use bulk containers shall provide one (1) or more cement pads of sufficient size to accommodate not less than an eight (8) cubic yard dumpster, and when and if required, drainage shall be approved by the Carteret County Health Department. If the condominium complex, townhouse complex, or multi-family location should fail to provide one (1) or more bulk containers needed by said location following notification by the town, then the town shall cease to provide refuse collection services for the condominium complex, townhouse complex, or multi-family location.

(4) All business locations where refuse exists shall provide a sufficient number of containers in which shall be deposited all refuse existing or generated at such premises.

All business locations shall provide containers consistent with the requirements of this section for residential units, or if directed by the town, must use bulk containers.

(5) All containers shall be inspected from time to time by the town for conformance with this chapter. If any container required by this chapter is found to be deficient at the site, then the town shall notify the owner and/or occupant of the deficiencies. Failure to correct the deficiencies within a period of fourteen (14) days thereafter may result in the town suspending refuse collection services at the site until the deficiencies are corrected.

SECTION 5

Yard Debris

Yard debris shall not be collected and disposed of by the town, except in instances where the debris is caused by a major event in which case the collection times, routes and schedules shall be established by the town and notification of the same shall be published to inform the citizens of the Town of Cedar Point.

SECTION 6

White Goods

The Town of Cedar Point does not pickup white goods. Arrangements for pickup of these goods should be made with private contractors. Goods placed near the roadside for collection can not remain there for a period of more than three (3) days. Every tenant, owner, and occupant of every house, residence, apartment, condominium, business, building or structure of any type shall be prohibited from placing on or near the street or on the lot or any location outside the building or structure any white goods for accumulation, collection, or removal except in strict accordance with this section. All refrigerators and freezers shall have the door removed or the latch mechanism disabled to prevent the door from locking prior to placement on or near the street.

SECTION 7

Unlawful to Displace Containers.

It shall be unlawful for any person except the owner, or upon permission or at the request of the owner, to damage, displace, or otherwise interfere with refuse containers or their contents.

SECTION 8

Solid waste Disposal Fee.

Pursuant to N.C.G.S. 160A-314.1, the town hereby imposes an annual fee on all improved residential property for the availability of a disposal facility provided by the town through membership in the solid waste disposal authority formed by the counties of Carteret, Craven and Pamlico, and the municipalities therein. Said fees are imposed on all improved residential property in the town as hereinafter set forth. Improved residential property shall be defined as all residential real property on which any residential buildings, structures, vehicles, campers, utilities, paving, or other improvements have been carried out thereon, but shall exclude vacant property with only vegetation thereon and those condominiums, townhomes, and planned unit developments which provide for their own solid waste pickup. For purposes of this section, if any portion of a lot or tract of land is improved, then the entire parcel or lot shall be deemed improved. The fees imposed herein shall be established and amended from time to time by the board of commissioners, or as part of the annual budget adopted by the board of commissioners.

The fees imposed herein shall be billed with property taxes and are payable in the same manner as property taxes. Upon non-payment of said fees, the fees imposed herein may be collected in the same manner by which delinquent personal or real property taxes are collected, and the fees herein shall be a lien on the real property described on each tax bill that includes the fee. Individuals wishing to start solid waste pickup with the town shall notify the town clerk and complete an application for service. If the application is received following July 1, 2006 the applicant shall pay the pro rata portion of the fee charged for the annual service beginning in the month that the application is made. For example if a new application is received on August 17th the applicant would pay a pro rata fee based upon five months (August - December) of the annual service. Following the distribution of tax bills, the town clerk shall monitor the bills for those individuals who received tax bills to determine if the solid waste fee has been collected. If it has not been collected the Town Clerk shall bill the owner of the property for any amount due for solid waste fees. Upon non-payment of said fees, the fees imposed herein may be collected in the same manner by which delinquent personal or real property taxes are collected, and the fees herein shall be a lien on the real property described on each tax bill that includes the fee.

SECTION 9

Penalties

Any person violating any provision of this chapter shall be subject to a civil fine as outlined below:

- (1) Insufficient containment capacity--Refuse . . . \$100.00

The town administrator shall have the authority to dismiss said citation upon proof that the violator has purchased and placed in service a sufficient number of 90-gallon roll-out containers consistent with the town's specifications.

(2) Containers not meeting town specifications--Refuse . . . \$100.00

The town administrator shall have the authority to dismiss said citation upon proof that the violator has purchased and placed in service a sufficient number of 90-gallon roll-out containers consistent with the town's specifications.

(4) Containers not meeting town specifications--Recycling . . . \$100.00

The town manager shall have the authority to dismiss said citation upon proof that the violator has purchased and placed in service a sufficient number of additional 35/40-gallon roll-out containers consistent with the town's specifications.

(7) All other violations of this ordinance. . . \$50.00

SECTION 10

Repeal and Replacement of Prior Ordinances

Any and all prior solid waste ordinances adopted by the Town of Cedar Point are hereby repealed and replaced by this ordinance. Adopted this 24th day of October, 2006 by a vote of four (4) Commissioners voting for the ordinance and zero (0) Commissioners voting against the ordinance.

Jackie Paylor, Town Clerk

Harry L. Redfearn, Mayor