

GARBAGE AND REFUSE

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ARTICLE I. IN GENERAL

Section 1-1. Definitions.

Wherever found in this chapter, the following terms shall be construed as follows:

Ashes: The refuse from fires in houses, schools, stores, etc., and Includes at times small quantities of glass, crockery, sweepings, dust, metal and other inorganic materials.

Authorized private receptacle: A litter storage and collection receptacle as required and authorized in this chapter.

Garbage: The organic waste matter, both animal and vegetable, from houses, kitchens, restaurants, hotels, hospitals, etc., and it comprises chiefly waste food, and does not include liquid that may be drained into the sewer.

Litter: "Garbage", "refuse" and "rubbish", as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

Park: A park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

Private premises: Any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public place: Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Recyclables: Exclude target recyclables as per Alamance County Recycle Ordinance.

Residential household garbage: All putrescible waste, including food waste, and non-putrescible waste both combustible and non-combustible, originating from residences, including paper, cardboard, plastic or metal food or household chemical containers, wood objects, glass, bedding, crockery, metals, and other similar objects or materials, but specifically excluding yard trash after January 1, 1993, bulky waste, animal offal and carcasses.

Target recyclables: As to Residential Generators means newspapers, corrugated cardboard, aluminum cans, steel cans, category 2 high density polyethylene ("HOPE"), milk and water bottles or jugs, category 1 polyethylene terephthalate ("PET") beverage containers, metal coat hangers, food and beverage glass bottles and glass jars which are either clear or green or brown in color;

and as to Commercial Generators means in addition to these items listed cardboard tubes and office paper (including computer paper and shredded' office paper).

Yard trash: Solid waste solely consisting of vegetative matter resulting from landscaping maintenance, including grass clippings.

ARTICLE II. COLLECTION REGULATIONS

Section 1-2. Removal of garbage or refuse.

No person, other than those under the direction of the sanitation superintendent, shall haul away or remove any garbage or other refuse set out for collection as in this article provided, except by written consent of the sanitation superintendent. (Code 1993, 11-42)

(a) No owner, occupant, tenant, or lessee of any property shall deposit, store, or permit to accumulate any solid waste upon his property that is not stored or disposed of in a manner prescribed by this ordinance. (Code 1993, 11-43)

(b) The owner, occupant, tenant, or lessee of any property shall remove or cause to be removed all residential household garbage from his property at least once each week (7-day period). (Code 1993, 11-44)

(c) Residential household garbage shall be stored in a manner that will not harbor rodents and vermin and will not create a fire hazard. (Code 1993, 11-45)

Section 1-3. Duty of landlords, tenants and storekeepers.

It shall be the duty of each landlord, tenant or storekeeper to see that the various garbage and refuse receptacles, and the contents as hereinabove provided for, are set out at such place and time as may be fixed by the sanitation superintendent. Persons owning or occupying places of business within the village shall keep the sidewalks, parking areas, and other open spa.7os adjacent to their businesses free of litter and refuse. (Code 1993, 11-46)

No employee of the village shall assist in any way in the performance of what has herein been set out as the duty of the landlord, tenant or storekeeper (Code 1993, 11-47)

Section 1-4. Preparing garbage for collection.

All garbage shall be drained of moisture before placing in the receptacle. (Code 1993, 11-48)

Section 1-5. Receptacles generally.

All householders and proprietors of business shall provide receptacles for all garbage, waste and refuse for removal by the sanitation department, and the following rules and regulations shall be observed: (Code 1993, 11-49)

(a) Garbage receptacles shall be made substantially of metal, plastic, or bags and provided with tight-fitting covers and strong handles and the covers shall be kept on the receptacles at all times except when being filled or emptied. Garbage receptacles shall not have more than thirty-two (32) gallons capacity each, and if one is not sufficient to hold the quantity of garbage accumulated between collections, a sufficient number of similar receptacles

shall be provided. Nothing except garbage as herein defined shall be placed in such receptacles, and such garbage shall be drained before being introduced into the garbage receptacle. (Code 1993, 11-50)

- (b) A separate receptacle shall be provided for ashes, glass, floor sweepings, shells, sawdust and such other materials as may be suitable for filling without possibility of creating a nuisance which shall be determined by the sanitation superintendent. Ash receptacles shall be of metal, built to stand the wear and tear of handling, and shall be fitted with strong handles; each receptacle shall have a capacity of not more than forty (40) gallons. If one receptacle is not sufficient to hold the quantity of ashes and substances classed therewith, produced between collections, a sufficient number shall be provided. (Code 1993, 11-51)
- (c) Rags and old clothes and all other similar refuse shall be placed in receptacles such as hereinbefore described for ashes and shall be securely wrapped or placed in such receptacles as will insure their not being scattered about, and in either case shall be subject to the specifications of the sanitation superintendent. (Code 1993, 11-52)
- (d) No garbage receptacles of any kind shall remain upon any public street or any public lane or alley. No wooden boxes, barrels or other wooden receptacles shall be used for garbage or refuse, and the garbage and waste collectors shall be required to remove all such wooden boxes or other wooden receptacles, if so used. (Code 1993, 11-53)
- (p) All garbage receptacles must, at all times, be so constructed and maintained and so covered as to prevent the entrance of flies therein. (Code 1993, 11-54)

Section 1-6. Dumpsters may be required; appeal.

- (a) The village sanitation superintendent shall be empowered to require certain high volume refuse generators to provide and utilize containerized disposal systems commonly known as "dumpsters" as a condition to refuse collection by the city, "High volume refuse generator" as used in this section shall mean and refer to those commercial, business, institutional or multi-family residential developments who in the opinion of the superintendent could more effectively and efficiently be served by the containerized disposal system. (Code 1993, 11-55)
- (b) Should the sanitation superintendent make such a determination, he shall notify the user in writing, stating therein the number, size and location of containers to be used. All such containers shall be approved as to design and operation by the superintendent prior to use. Thereafter, the user shall within thirty (30) days conform to the requirements specified in the notice or refuse collection may be terminated by the village. (Code 1993, 11-56)
- (c) Property owners Or other interested parties who have been notified to provide containers may appeal such requirement to the city council for review and determination by filing a written notice of appeal with' the village clerk within fifteen (15) days of receipt to the superintendent's notice, setting forth in said notice of appeal any special conditions or hardships which he feels may be relevant. Such appeal shall be heard at the next regular council meeting occurring at least seven (7) days after the notice is received by the clerk. The decision of the board of alderman shall be conclusive; provided, however, either party may petition the council for a rehearing based on changed conditions. (Code 1993, 11-57)

Section 1-7. **Interference with contents of receptacles.**

No person shall overhaul, molest or interfere with the contents of any receptacles set out for the removal by the village, unless by permission of the sanitation superintendent. (Code 1993, 11-58)

Section 1-8. **Removal of tree trimmings, stumps, contractors' refuse, etc.**

- (a) No tree trimmings, brush or other vegetative material will be hauled by the village contracted refuse hauler. (Code 1993, 11-59)
- (b) No stumps, logs or concrete will be hauled by the village contracted refuse hauler. (Code 1993, 11-60)
- (c) No building materials or refuse from building operations or landscape work will be hauled by the contracted village refuse hauler. (Code 1993, 11-61]

Section 1-9. **Collections from manufacturing plants, mills, garages, etc.**

No collections will be made from manufacturing plants, mills, factories, wholesale stores, bottling works, printing establishments, garages, poultry houses, nurseries or any by-product establishments except for those under current collection. (Code 1993, 11-62)

Section 1-10. **Garbage not to be dumped on lots; stable manure.**

No garbage or offensive or disease-producing materials shall be dumped on any lot or space within the village for the purpose of filling, or for any other purpose. Stable manure shall be removed by persons who maintain stables. (Code 1993, 11-63)

Section 1-11. **Dumping out-of-city collections.**

No person shall dump or deposit in any village area any garbage or refuse not collected within the corporate limits of the village. (Code 1993, 11-64)

ARTICLE III. LITTER

Section 1-12. Generally.

It shall be unlawful for any person to put, place, deposit or throw any thrash, litter, house sweepings, yard waste, paper, paper cups, garbage, shavings or other rubbish upon any sidewalk or in any public street, public alley or other public place in the village, except in receptacles as the board of alderman shall prescribe or provide. (Code 1993, 11-65)

No person shall deposit in or sweep into any street, sidewalk, lane or alley or in any catch basin of the village, any paper, trash, litter, rubbish, broken glass, tin cans, bottles, fruit or vegetable peelings, dead animals or any other refuse, ashes or waste. Such materials shall be accumulated as herein before specified and placed in their respective or proper receptacles. Nor shall any householder or storekeeper, by himself or agent, cause to be swept from any house, yard, store or elsewhere any dirt or refuse in or upon the sidewalk or public streets of the village. (Code 1993, 11-66)

The placing or leaving of the articles or matter forbidden by this section shall, for each day that such articles or matter are placed or left, constitute a separate offense. (Code 1993, 11-67)

Section 1-13. Truck loads causing litter.

No person shall drive or move any truck or other vehicle within the village unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the village, the wheels or tires of which carry onto or deposit in any street, alley or other public place, an excessive amount of mud, dirt, sticky substances, litter or foreign matter of any kind. (Code 1993, 11-68)

Section 1-14. Litter on occupied private property.

No person shall throw or deposit litter on any occupied private property within the village, whether owned by such person or not; except, that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. (Code 1993, 11-69)

Section 1-15. Owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, that this section shall not prohibit the storage of litter in authorized private receptacles for collection (Code 1993, 11-70)

Section 1-16. Litter on vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the village, whether owned by such person or not. (Code 1993, 11-71)

Section 1-17. Duty of business owners, occupants.

- (a) **Generally.** The owner or occupant of any store or other place of business situated within the village shall exercise reasonable diligence at all times to keep his premises clean of wastepaper, wrapping paper, paper napkins, carton, package containers, and other used or waste materials thrown or left on said premises by its customers, and to take reasonable measures to prevent the same from drifting or blowing to adjoining premises. (Code 1993, 11-72)
- (b) **Receptacles.** Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the articles of waste referred to above may be disposed of. (Code 1993, 11-73)
- (c) **Signs.** Each and every business establishment shall place upon its premises in a conspicuous place in close proximity to the receptacles referred to above signs which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste material. (Code 1993, 11-74)

Section 1-18. Duty of customer.

It shall be unlawful for any customer going upon the premises of another to in any manner dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers, and other used or waste materials except in receptacles provided for such purposes. (Code 1993, 11-75)

ARTICLE IV. VIOLATIONS

Any violation of the above ordinance will result in a fine after:

- 1) verbal warning
- 2) registered letter
- 3) hearing before board

(Code 1993, 11-76)

ARTICLE V. PENALTIES

Section 1-19. Penalties

a. Any person violating this ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days, or both. Each day's violation shall be treated as a separate offense.

b. Any violation under the provisions of this ordinance may subject the offender to a civil penalty for the costs to the Village of Alamance or proper agency to correct such violation in the interest of the public health, safety and welfare. Such penalty shall be assessed by the health director and shall be supported by a written statement of costs incurred by the Village of Alamance or proper agency to correct such violation, or a civil penalty not to exceed one thousand dollars (\$1,000.00). Such penalty shall be paid within ten days of notification to the offender. If the offender does not pay the penalty within the days after receiving notice, such penalty shall be recovered by the Village of Alamance or proper agency in a civil action in the nature of debt.

c. For the purposes of this ordinance, collection, transportation, and disposal of solid waste, residential household garbage and recyclable material in a manner which knowingly constitutes unauthorized encroachment upon an area delineated in any franchise granted hereunder shall be deemed a violation under this ordinance and may subject the offender to the criminal penalties provided herein. Unauthorized encroachment in an area covered by a franchise granted hereunder, whether knowing or innocent, shall be subject to correction by the civil remedies provided by this section.

d. Any violation of this ordinance shall subject the offender to judicial enforcement of this ordinance by an appropriate equitable remedy issuing from a court of competent jurisdiction, or by mandatory prohibitory injunction and order of abatement issuing from the General Court of Justice and commanding the offender to correct or cease the violation.

Section 1-20. Severability

If any sentence, clause, paragraph, subsection, or section of these regulations shall be adjudged invalid and of no effect, such decisions shall not affect the main portions of these regulations. (Code 1994, 11-77)