

CHAPTER 14. SOLID WASTE

ARTICLE I. GARBAGE AND OTHER FORMS OF LITTER AND JUNK

Section 14-1. General

Most litter is generated from the following sources: motorists, pedestrians, household and business putouts, commercial putouts, loading/unloading areas, construction sites and uncovered vehicles. It is the purpose of this ordinance to insure that these sources are regulated in such a manner as to:

1. Reduce the generation of litter in the town and to protect the public safety, health, welfare, and environment.
2. Preserve and enhance the aesthetic beauty and quality of the environment in Holly Ridge for the benefit of the general public.

Section 14-2. Definitions

1. Administrator – shall mean the officer or officers designated by the town manager to enforce this chapter of the town code.
2. Nuisance – Any condition which
 - a. Injures or endangers the comfort, repose, health, safety or welfare of others;
 - b. Is offensive to the senses;
 - c. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
 - d. Interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.
3. Refuse – means all putrescible and non-putrescible solid wastes (except body waste) (baby diapers permitted), including garbage, rubbish, ashes, street cleanings, dead animals, and market and industrial solid wastes.
4. Garbage – As the term is used in this chapter, shall be held to mean and include all refuse, animal, fruit and other vegetable matter, all tin cans, glassware and crockery in which any such matter has been put up or stored, and all rags, waste paper, floor sweepings, and other combustible refuse except building material scraps, tree trimmings, and earth.

5. Household trash – anything worthless, useless, or discarded; rubbish, broken or torn bits, as twigs, splinters, rags, or the like, things that are no longer useful or wanted and that have been thrown away, unwanted or undesired waste material.

Section 14-3. Standards

Refuse – All refuse shall be placed and maintained in containers as specified herein. All containers shall be kept covered at all times with tightfitting covers until the refuse is disposed of.

1. Garbage - All garbage being placed in containers for collection shall have drained from it all free liquid, and shall be wrapped, bagged, or enclosed in paper or plastic material unless otherwise specifically authorized by the town manager or his designee.
2. Household trash - All household trash shall be drained of all liquids prior to its deposit in refuse receptacles. Any items of household trash which are too large for receptacles and cannot be reduced to a size which can be placed in a receptacle may be placed in securely bagged or bound packages next to the receptacles.
3. Dangerous trash items - All dangerous trash items and all waste material of an injurious nature, including, but not limited to, broken glass, light bulbs, sharp pieces of metal, fluorescent tubes, and television tubes, shall be securely wrapped to prevent injury to collection crews and other persons.
4. Hazardous refuse - No hazardous refuse or building materials shall be placed in any receptacle, container, or disposal site unless authorized by state or federal regulation.
5. Tree and shrubbery trimmings - Tree and shrubbery trimmings transported upon roads and streets within the boundaries of the town shall be securely covered or tied to prevent the depositing thereof on roads, streets, sidewalks, or road shoulders in the town.
6. Disposal sites - The County has established, operates, and maintains sanitary landfills and container sites for the disposal and storage of refuse. These are the only authorized disposal sites.

Scavenging – It shall be illegal for any person to enter any sanitary landfill and/or container site which may be established by the town except for the purpose of disposing of refuse. Any rummaging through the sanitary landfill area or container site area and/or scavenging and removing any items therefrom is strictly prohibited.

Solid waste containers - It shall be unlawful for any commercial garbage or sanitation collection service, or for any person using a vehicle larger than a three-quarter ton pick-up truck, to dispose of refuse in a solid waste container or at a container site. All refuse shall be deposited in the container at a site and spillage shall be collected and deposited in the container. Trees, stumps, tree limbs, poisons, caustic chemicals, concrete slabs or pieces, and flammables are prohibited from being deposited in containers or at container sites.

Sec. 14-4. Prohibited scattering of refuse and litter

- (a) It shall be unlawful for any person to:
1. Scatter refuse about, or litter any public or private street, or area or place, or any public vehicular area;
 2. Cast, throw, place, sweep, or deposit anywhere within the town any refuse or trash in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place or into any occupied or unoccupied premises within the town.
 3. It shall be unlawful for any vehicle transporting loose materials within the town to transport same without suitable covers. This section shall not apply to the transportation of poultry, livestock, tobacco, and silage or other feed grain used in the feeding of poultry or livestock.
 4. If any of the material dumped in violation of this chapter can be identified as having last belonged to, been in the possession of, sent to or received by, or to have been the property of any person prior to its being dumped, as prohibited therein, such identification shall be presumed to be prima facie evidence that such owner dumped or caused to be dumped such matter and material in violation of this section.

Section 14-5. Commercial establishments

- (a) Requirement for containers. All commercial establishments shall store their refuse in receptacles or containers as specified herein so as to eliminate wind-driven debris and unsightly litter in and about their establishments. Approved methods of containerization include refuse receptacles, bulk containers, and detachable containers. The number of containers necessary for each commercial establishment shall be as required to maintain a clean, neat, sanitary premise. Spillage and overflow shall be cleaned up immediately by the establishment when

it occurs.

Section 14-6. Loading and unloading areas

All loading and unloading areas shall be provided with refuse receptacles for loose debris, paper, packaging materials, and other trash. The number of containers necessary for each area shall be as required to maintain a clean, neat and sanitary premises.

Section 14-7. Construction sites and demolition sites

All construction and demolition contractors shall provide on-site refuse receptacles, bulk containers, or detachable containers for construction debris and other trash which is capable of being moved or blown about by the wind and which is produced by those working on the site. All such materials shall be containerized by the end of each day, and the site shall be kept in a reasonably clean and litter-free condition. Construction debris and refuse deposited upon any public or private property as a result of construction or demolition shall be immediately removed by the contractor. Construction sites shall be kept clean and orderly at all times.

Section 14-8. Special refuse disposal problems

- (a) Contagious disease refuse- The removal of clothing, bedding, or other refuse from homes or other places where highly infectious diseases have prevailed shall be performed under the supervision and direction of the county health department.
- (b) Ashes- Ashes that are to be transported to authorized disposal sites or landfills must have been wetted and cool to the touch prior to disposal.

Section 14-9 Collection permits and disposal requirements

All commercial collectors of refuse who desire to haul within the town shall obtain a permit from the county health department and shall use a vehicle provided with a tight cover and so operated as to prevent offensive odors or liquids escaping therefrom and refuse from being dropped, blown, or spilled.

Section 14-10. Duty of property owner and agents upon receipt of notice to abate

Whenever such trash or debris is found in the public streets, parks, or alleys, it shall be the responsibility of the fronting property owner to remove said trash or debris upon written notice by the code enforcement officer.

ARTICLE II. WASTE

Section 14-11. General

It shall be unlawful for any person to trespass on the rights of another through the neglect of property:

1. by causing or allowing unsightly litter, foul odor, or potentially dangerous devices to remain on or emanate from the property;
2. to discard, abandon, or cause litter on public property or another's private property; and
3. for any reason to accumulate unscreened, salvageable junk on paved state maintained roads, town roads or public vehicular areas.

Section 14-12. Receptacles and containers required

Every person in possession, charge, or control of any place where construction debris business/commercial trash, garbage, household trash, industrial waste, and yard trash is accumulated or produced, shall provide and at all times keep in a suitable place adequate and suitable receptacles and/or containers capable of holding all such waste materials.

Section 14-13. Waste disposal practices

Refuse - All refuse shall be placed and maintained in containers as specified herein. All containers shall be kept covered at all times with tight fitting covers until the refuse is disposed of.

Garbage - All garbage being placed in containers for collection shall have drained from it all free liquid, and shall be wrapped, bagged, or enclosed in paper or plastic material unless otherwise specifically authorized by the Town Manager or his designee.

Household Trash - All household trash shall be drained of all liquids prior to its deposit in refuse receptacles. Any items of household trash which are too large for receptacles and cannot be reduced to a size which can be placed in a receptacle may be placed in securely bagged or bound packages next to the receptacles.

Dangerous Refuse - No hazardous refuse or building materials shall be placed in any receptacle, container, or disposal site unless authorized by State or Federal regulation.

Tree and Shrubbery Trimmings - Tree and shrubbery trimmings transported upon roads and streets within the boundaries of the town shall be securely covered or tied to prevent the depositing thereof on roads, streets, sidewalks or road shoulders in the town.

Disposal Sites - The County will establish, operate, and maintain sanitary landfills and container sites for the disposal and storage of refuse. These are the only authorized disposal sites.

Scavenging - It shall be illegal for any person to enter any sanitary landfill and/or container site which may be established by the town except for the purpose of disposing of refuse. Any rummaging through the sanitary landfill area or container site area and/or scavenging and removing any items there from is strictly prohibited.

Solid Waste Containers - It shall be unlawful for any commercial garbage or sanitation collection service, or for any person, firm, or corporation using a vehicle larger than a ¾ ton pick up truck, to dispose of refuse in a solid waste container or at a container site. All refuse shall be deposited in the container at a site and spillage shall be collected and deposited in the container. Trees, stumps, tree limbs, poisons, caustic chemicals, concrete slabs or pieces, and flammables are prohibited from being deposited in containers or at container sites.

Section 14-14. Storing refuse and junk

All accumulations of refuse and junk shall be stored or placed for collection in accordance with the following provisions:

1. **Public Streets and Private Property** - No person shall place any accumulation of refuse, furniture, old appliances, construction debris or junk in any street, median strip, alley, public vehicular area or other public place of travel, nor upon any private property except as stated herein.
2. **Unauthorized Accumulations** - Any unauthorized accumulation of refuse or trash items on any lot, property, premises, public street, alley, public vehicular area or other public or private place is hereby declared to be a public nuisance and is prohibited. Failure of owner or occupant to remove and correct any such unauthorized accumulation of refuse shall be deemed a violation of this article.
3. **Junk** - It shall be unlawful for any person to place or leave outside any building or dwelling within public view any dilapidated furniture, appliance, machinery, equipment, building material, or other item which is either in wholly or partially rusted, wrecked, junked, dismantles, or inoperative condition, and which is not completely enclosed within a building or dwelling. Any such item or items which remain on the property of the occupant for a period of fifteen (15) days after notice of violation of this section shall be presumed to be abandoned and subject to being removed from the property by the town without further notice and subject to expenses incurred in the removal of such item or items.

Section 14-15. Scattering and litter prohibited

It shall be unlawful for any person to cast, throw, place, sweep or deposit anywhere within the town any refuse, or trash in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place or into any occupied or unoccupied premises within the town.

It shall be unlawful for any vehicle transporting loose materials within the town to transport same without suitable covers. This section shall not apply to the transportation of poultry, livestock, tobacco, and silage or other feed grain used in the feeding of poultry or livestock.

If any of the material dumped in violation of this ordinance can be identified as having last belonged to, been in the possession of, sent to or identified as having last belonged to, been in the possession of, sent to or received by, or to have been the property of any person prior to its being dumped as prohibited therein, such identification shall be presumed to be prima facie evidence that such owner dumped or caused to be dumped such matter and material in violation of this section.

Section 14-16. Responsibility of owners and agents

The owners or agents, tenants or lessees, or persons in possession of all residential units and commercial establishments shall be responsible for compliance with this ordinance.