

**ORDINANCE NO. 830**  
**AN ORDINANCE CREATING RULES AND REGULATIONS**  
**FOR SOLID WASTE AND RECYCLING**

**CHAPTER 51: SOLID WASTE**

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**§ 51.01 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BUILDING MATERIAL (ALSO CALLED CONSTRUCTION AND DEMOLITION MATERIAL).***

Brick, stone, carpet, plumbing materials, plaster, concrete, asphalt, roofing, floor coverings, gutters or other material or substances accumulated as a result of construction, repairs, or additions to existing structures or accessory structures or demolition of such.

***BULK CONTAINER (ALSO CALLED "DUMPSTER").*** A metal container of not less than two cubic yards nor larger than eight cubic yards, made of watertight construction with doors opening on two sides and the top and constructed so that it can be emptied mechanically by specialty equipped trucks.

***BULKY ITEMS.*** Means, but is not limited to, items such as household furnishings, household appliances, mattresses, box springs, lawn equipment (such as sidewalk vacuums, rototillers, wheelbarrows, and other similar household items) and children's toys.

***BUSINESS TRASH.*** Any accumulation of incidental waste products and garbage, other than household trash, which is associated with the operation of stores, offices, and commercial establishments.

***COLLECTION.*** The act of removing solid waste from a point of generation to an approved disposal site.

***CONTAINER.*** Any bulk container, detachable container, recyclables container or rollout container as defined herein.

***ELECTRONIC WASTE (E-WASTE).*** Includes computers, cell phones, radios, televisions, and the like

***FOUL ODORS.*** Any offensive odor emanating from, but not limited to, garbage, trash or waste.

**GARBAGE.** A by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking, and consumption of food or other matter which is subject to decomposition, decay, and/or the generation of noxious or offensive gases or odors, or which during and/or after decay may serve as breeding or feeding material for flies, insects, and/or animals.

**HAZARDOUS WASTE.** Potentially dangerous by-products which cannot be handled, treated, or disposed of without special precautions. **HAZARDOUS WASTE** includes ignitable, corrosive, reactive, and toxic wastes such as acetone, gasoline, industrial metal, alkaline cleaners, acids, batteries, cyanide, chlorine, arsenic, pesticide wastes, paint, caustics, infected materials, offal, fecal matter (human and animal), and explosives.

**HOUSEHOLD TRASH.** Accumulation of sweepings, rags, or other material of any kind, other than garbage and recyclables, which is usually attendant to housekeeping

**INDUSTRIAL WASTE.** All waste (except hazardous waste), including solids, semi-solids, sludges, and liquids created by factories, processing plants or other manufacturing enterprises, (sometimes referred to as special waste, as it requires special handling).

**JUNK/BULKY ITEMS.** Any item creating a littered condition, including but not limited to household or office furnishings, household appliances, mattresses, box springs, lawn equipment or other similar items (see definition of **BULKY ITEMS** above) which are either in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition.

**RECYCLABLES.** Newspapers and accompanying inserts, magazines, junk mail, cardboard, glass, food and beverage containers, plastic soft drink and liquor bottles, spiral paper cans, aluminum, bimetal cans, steel and tin cans, and other items determined by the Solid Waste Coordinator to be recyclable.

**RECYCLABLES CONTAINER.** A container designed and authorized by the town solely for the purpose of collecting recyclables. It shall be subject to the collection regulations pertaining to recyclables.

**ROLLOUT CONTAINER.** The authorized wheeled garbage disposal container approved by the town for use by garbage collection services.

**SOLID WASTE.** Accumulations consisting of any combination of business trash, garbage, household trash, bulky items, yard waste, industrial waste, recyclables and junk.

**SOLID WASTE COORDINATOR.** An employee; most likely to be the Public Works Director, appointed by the Town Manager who is responsible for managing, monitoring, and enforcing the town's solid waste program, including the provisions of this chapter.

**TOWN.** The Town of Maggie Valley, North Carolina, or its agents or contractors.

**TOWN MANAGER.** The person or persons designated by the Town Board of Alderman to perform duties and responsibilities as chief executive officer for the Town of Maggie Valley.

**WHITE GOODS.** Inoperative and discarded residential, metal refrigerators, ranges, water heaters, freezers and other similar domestic large appliances.

**YARD WASTE.** Grass, weeds, leaves, tree trimmings, plants, shrubbery pruning, and such other similar materials which are generated in the maintenance of yards and gardens, which are separate from other solid waste materials. Yard waste shall not include trees, tree limbs, brush and other material resulting from commercial tree trimmers and/or commercial lawn care services.

#### **§ 51.02 GENERAL REGULATIONS.**

The Town Manager may promulgate such rules and regulations not inconsistent with this chapter as he or she deems advisable to safeguard the health and welfare of the citizens of the town in the disposal of garbage, recyclables, yard waste and other refuse. The collection, removal and disposition of all solid waste from within the town shall be under the jurisdiction and enforcement of the solid waste coordinator and his or her authorized agents, except otherwise provided by the ordinances of the town.

- (A) It shall be unlawful for any person to endanger the public health, safety and welfare through the neglect of property by causing or allowing unsightly garbage, weeds and grass, yard waste, foul odor, dead animals, junk, unsecured appliances or potentially dangerous devices to remain on or emanate from property, or to discard or abandon or cause such on public property, private property, vacant lots or any pond, stream or body of water or banks thereof within the town limits.
- (B) It shall be unlawful for any person to violate any provision of this chapter.
- (C) It shall be unlawful to dispose of or discard any solid waste on private or public property, unless such disposal occurs with the owner's permission and conforms to all applicable local, state, and federal regulations.
- (D) It shall be unlawful for any person to put, place or throw any garbage, trash, yard waste, or bulky items on any sidewalk or in a public street, public alley or other public place in the town. Such materials shall be disposed of legally as specified in this chapter.
- (E) No person shall interfere with the contents of any receptacle or container set out for removal by the town and/or its contractor unless by express written permission of the town.
- (F) It shall be unlawful to interfere with or hinder town collection personnel and/or the town's authorized contractor in the performance of collection duties.
- (G) It shall be unlawful for any construction and/or demolition contractor or property owner to fail to provide onsite containers for loose debris, material waste, scrap, building materials, and other trash produced by those working on the site.
- (H) The town shall have the authority to require additional containers if necessary to provide property containerization of solid waste.
- (I) Ninety-five gallon rollout containers furnished by the town and/or its contractor shall be used solely for the storage of garbage and recycling only. The town shall provide each residence with one ninety-five gallon container (i.e. brown) for garbage and one ninety-five gallon container (i.e. blue) for recycling

#### **§ 51.03 CHARGE FOR TOWN COLLECTION.**

Agreements and contracts for solid waste services, including rate schedules, replacement cost and service regulations set forth by the Board of Alderman are recorded in the Town Schedule of Fees and Charges on file in the Town Clerk's office.

#### **§ 51.04 RESIDENTIAL COLLECTION REQUIRED.**

(A) All residences of the town shall be provided solid waste collection services as set forth in this chapter and shall be subject to solid waste collection fees as adopted by Board of Alderman regardless of whether such services are accepted by the owner or occupant of the residence. Each separate residential entity shall be billed monthly and shall be payable with the town's sewer billing statement. In some rare instances a residence may not be served with sewer therefore would not receive a sewer bill but would receive a monthly solid waste collection fee bill. The charges, if unpaid, shall be a lien upon the property involved and may be collected as provided in § [51.12](#).

(B) Garbage, recycling, white goods and yard waste set out for collection as provided in this chapter shall be collected by the town and/or its designated agent.

(C) The town and /or its designated agent shall only provide curbside collection of garbage, recycling, white goods and yard waste to single family detached homes, duplexes and multifamily complexes not within single property ownership. The town shall not provide curbside collection services to apartment complexes, campgrounds, extended stay motels and the like. Residences receiving Town of Maggie Valley Curbside Collection as of July 1, 2016 shall continue to receive service past adoption date.

(D) Residential structures within gated communities may receive solid waste collection services from the town and/or its designated agent given that on designated solid waste collection dates, the gates of the community remain open to allow free and easy access to neighborhood within the business day.

#### **§ 51.05 REGULATIONS FOR TOWN CUSTOMERS.**

(A) *General.*

(1) All residential customers shall be provided receptacles for garbage, trash, and recyclables for collection by the town and/or its agent.

(2) Containers and their surrounding areas shall be kept in a sanitary condition by the property owner, resident, and/or tenant.

(3) The town shall retain ownership of rollout containers which are initially provided for solid waste and recycling collection service. The container shall not be removed from the original premises. Repair or replacement of containers for any reason, excluding normal wear and tear, shall be the responsibility of the customer unless the damage necessitating such repair or replacement is determined to be a direct result of the negligence by the town and/or its contractor. The town and/or its designated contractor shall be notified by the property owner of the need to replace a receptacle. Containers which require replacement as a result of user abuse and/or negligence (i.e lost or stolen) will result in the user being charged a replacement fee as set forth in the solid waste fee schedule. The property owner shall be notified of the cost of the receptacle and the requirement for payment before service shall be rendered.

(4) It shall be unlawful for any person to bring construction debris, business trash, garbage, household refuse, household trash, industrial waste, litter, refuse, solid waste, yard waste or any other kind of trash or rubbish into the Town of Maggie Valley from a point outside the town for the purpose of the materials to become subject to pickup by the town.

(5) It shall be unlawful for any person knowingly to permit the use of his or her receptacles or any other portion of his or her property by any other person for the disposal of any construction debris, business trash, garbage, hazardous refuse, household trash, industrial waste, litter, refuse, solid waste, yard waste, or any other kind of trash or rubbish brought into the town from a point outside the town for the purpose of disposing of the materials to become subject to pickup by the town.

(B) *Collection schedule.*

(1) The town provides for pickup of garbage and recyclables on a schedule set by the town. The town on an as-needed appointment basis, shall provide White Goods and Yard Waste services.

(2) Collection schedules shall be established by the town and shall be subject to variations required by weather, legal holidays, or other special circumstances.

(3) The town shall reserve the right to discontinue or deny garbage, recycling or bulky collection service to any resident of the town who violates any provision of this chapter.

(C) *Placement of receptacles.*

(1) It shall be the responsibility of each resident and/or property owners to see that all garbage and recycling containers are set out at curbside by 7:00 a.m. on the fixed collection date. Containers may not be placed on the curb before 5:00 p.m. on the day prior to the scheduled collection date and shall be removed by midnight on the day of collection.

(2) Containers are prohibited from being stored in front of the home or residence and shall be stored in the side or rear of the home or residence. Front storage may be approved by the Solid Waste Coordinator on a limited case by case basis.

(3) All garbage and recycling carts' wheels must be facing the house and placed within three feet of curb to provide safe and easy access for collection.

(4) The garbage and recycling cart requires a two foot space between each cart and between obstructions like mailboxes, parked cars, utility poles, and the like.

(5) Containers shall not be placed on public sidewalks or streets or in such a manner as to obstruct the vision of motorists or the free flow of traffic or drainage along any public street.

(6) Containers are not to be removed from the premises to which they are assigned except by the town and/or its contractor.

(D) *Contents.*

(1) All garbage must be bagged and fit inside the cart with the lid fully closed.

(2) Garbage shall be drained of all free liquids.

(3) It shall be unlawful to place yard waste, rocks, dirt, heavy metals, automobile parts, tires, concrete, construction waste, hazardous waste, or medical waste in the containers for collection by the town and/or contractor. Yard waste and bulky items shall be placed at the curb for collection as specified in other sections of this chapter.

(4) All recyclables must be placed in the container loose, not bagged. All recyclables can be placed in the container unsorted.

(F) *Exception for backyard collection.* The town may provide solid waste and recycling backyard services to persons with disabilities provided no one in the residence or employed by the household is physically capable of moving the container from the backyard to curbside. A doctor's statement of disability will be required to substantiate existence of disability. Backyard solid waste service will consist of only one pickup per week (one garbage, one recycling) as established by the town. The town shall reserve the right to verify the need for extending special services and to periodically reassess the need for such services. Civil penalty. A civil penalty in the amount of \$25 may be issued to any person in violation of this section.

#### **§ 51.06 COLLECTION OF RECYCLABLES .**

The town has a goal to reduce the amount of waste going into the landfill by recycling as many items as possible.

(A) The town provides recycling collection to residents, per schedule determined annually, in a 95 gallon rollout container.

(B) Recyclables can be co-mingled into the cart.

(C) All food, drink and other residues shall be rinsed from the recyclable items.

(D) Recycling items include the following:

- (1) Empty aerosol cans (no paint cans);
- (2) All Plastics 1-7 (no styrofoam, bags, or wrap);
- (3) Wide-mouth plastic containers and lids and rigid plastic containers and small hard plastic toys;
- (4) Milk and juice cartons and boxes;
- (5) Shredded paper (placed in clear plastic bags);
- (6) Aluminum and metal food cans and lids;
- (7) Glass bottles and jars;
- (8) Cereal and food boxes and cardboard boxes flattened;
- (9) Mixed paper, newspapers with inserts, and junk mail;
- (10) Paperback books;
- (11) Magazines and phonebooks; and
- (12) Spiral paper cans (with plastic lids detached).

(E) Items that cannot be recycled include the following:

- (1) Pizza boxes;
- (2) Paint cans;
- (3) Styrofoam; and
- (4) Plastic bags.

(F) The town provides electronic waste (e-waste) recycling that will be picked up curbside by appointment only.

(G) All recyclables shall be placed in the town issued recyclables container

(H) Recyclables containers shall not be placed at the curb earlier than 5:00 p.m. the day before the scheduled collection date and shall be removed by midnight on the collection day.

### **§ 51.07 COLLECTION OF BULKY ITEMS AND WHITE GOODS.**

(A) It shall be unlawful for any person to place or leave bulky items or junk at curbside for collection by the town except in accordance with the requirements of this section.

(B) Residents may place discarded white goods on the front corner of their premises nearest to the public street for collection. This service is provided to residential solid waste customers within the town's corporate limits who are paying the monthly solid waste fee. White Goods shall be collected on a call in (on demand) basis. To schedule a pick up for white goods contact Town Hall at 828.926.0866.

(C) Commercial businesses are required to make private arrangements to dispose of their bulky items. There will be no collection of such items by the town or its contractor. Commercial business bulky items are prohibited from staying on the curb more than two (2) business days.

(D) Items from business establishments operated from a residential unit will not be collected by the town's solid waste provider.

(E) The town shall not provide pick up, haul off or dispose of bulky items from residential properties.

(F) The town will not be responsible for the removal of automobile parts, including but not limited to tires and batteries. The proper disposal of these items will be the responsibility of the property owner.

(G) No materials such as trees, shrubbery or underbrush resulting from land clearing will be picked up by the town or its contractor.

(H) Commercial businesses are required to make private arrangements to dispose of their yard waste. There will be no collection of yard waste by the town or its contractor. Commercial yard waste is prohibited from staying on the curb more than two (2) business days.

### **§ 51.08 COLLECTION OF YARD WASTE.**

It is unlawful for any person to place yard waste at curbside for collection by the town except as follows:

(A) The town shall attempt to collect tree limbs, cuttings, shrubbery and the like from each residence of the Town on an as-needed/as-called basis; however, during leaf season, this service will likely be curtailed to allow the collection of leaves.

(B) This service shall be limited to the amount of tree limbs, cuttings, shrubbery and the like that a typical resident shall produce in normal yard work and is not a service provided to a landscaping firm or to a private tree trimming/removal company or to individuals who are paid to trim trees, redo landscaping or perform major yard work. Such debris produced by these firms and individuals shall not be collected by the Town, and the property owner or tenant shall be responsible for the cost of removal and disposal of such material.

(C) Volumes of more than one truckload or volumes which will take more than thirty (30) minutes to load will not be collected without a charge to the customer. Excess volumes or time shall be billed at the rates prescribed and changed from time to time by the Board of Aldermen and kept on file at the Town Clerk's office.

- (D) In any case, such limbs, cuttings, shrubbery and the like shall not be greater than twelve (12) feet in length, nor more than four (4) inches in diameter, nor of such a weight that it can not be handled by one person. This debris is to be placed along the edge of the owner's or tenant's property nearest the street right-of-way, with cut ends facing the street, and shall not block any sidewalk or be in the street where vehicles might be prohibited from safe passage.
- (E) Tree limbs and yard trimmings shall be free of trash, dirt, wire and anything that could damage the chipping equipment. Lawn trimmings and leaves shall be placed in bags for pickup and the weight of a single bag shall not exceed thirty (30) pounds. Machine piled material, logs, stumps or any limbs greater than four (4) inches in diameter shall not be collected. Material addressed in this section shall not be placed in the street or in gutters or drainage ways so as to inhibit storm drainage or so that the material might wash into or block catch basins.
- (F) The Town shall at no time remove or assist in the removal of stumps or trees of any kind.
- (G) In situations where there is danger for Town employees or concern for the safety of the motoring public, the Director of Public Works, at his discretion, may authorize the collection of any permitted material from a point off the street right-of-way and out of the path of vehicular traffic.
- (H) Commercial businesses are required to make private arrangements to dispose of yard waste. There will be no collection of such items by the town or its contractor. Commercial business yard waste is prohibited from staying on the curb more than two (2) business days.

#### **§ 51.09 USE OF PUBLIC RECEPTACLES**

- (A) It is the declared policy of the town that public receptacles are there for the convenience of the public who use the Town of Maggie Valley's Sidewalk and Park System so that they may deposit items of garbage therein rather than litter. The public receptacles are not for the purpose of dumping large quantities of garbage.
- (B) It shall be unlawful for any person residing outside the corporate limits of the town to bring quantities of garbage, accumulated outside of the town and deposit them in any receptacle to be collected by the town along the streets or elsewhere within the corporate limits of the town.

#### **§ 51.10 REMOVAL OF DEBRIS RESULTING FROM CONSTRUCTION, DEMOLITION OR REPAIR OF BUILDINGS.**

- (A) It shall be the duty of the property owner to dispose of debris resulting from the construction, demolition, or repair of buildings. These items include but are not limited to, brick, stone, plumbing materials, plaster, concrete, asphalt, roofing, floor coverings, gutters and shingles.

**§ 51.11 REMOVAL OF DEAD ANIMALS, ASHES, CONTAGIOUS DISEASE MATERIAL, HYPODERMIC INSTRUMENTS AND HAZARDOUS WASTE.**

(A) *Dead animals.* The town will collect small dead animals and wildlife from the publicly maintained (NCDOT; Town) rights-of-way.

(B) *Ashes.* It shall be unlawful to place live (hot) or dead(cold) coals in any containers.

(C) *Contagious disease material.* It shall be unlawful to remove or discard clothing, bedding, mattresses, springs, or other solid waste from homes or other places where highly infectious diseases have occurred. Such solid waste shall not be placed in rollout containers or at curbside for collection and disposal by the town and/or its contractor.

(D) *Hypodermic instruments.* It shall be unlawful for any person to dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of reuse without safeguarding the disposal thereof by placing in a secure container so as to avoid the possibility of causing injury to the collection personnel.

(E) *Hazardous waste.* It shall be unlawful to place hazardous waste in any container for disposal except as follows:

- (1) Paint cans shall have lids removed and contain no wet paint. Kitty litter or sand may be added to solidify material for collection.
- (2) Soiled kitty litter shall be enclosed in double plastic bags and securely tied prior to placing the bag in rollout cart at curbside for disposal.

**§ 51.12 VIOLATIONS AND ENFORCEMENT.**

It shall be unlawful to violate any provision of this chapter. Any one or more of the following enforcement actions may be taken for any violation of this chapter:

(A) The Town Manager or his or her designee may assess a civil penalty in the amount established in the specific provisions against the person responsible for the violation.

- (1) A written notice of assessment shall be mailed or hand delivered to the responsible person at the address listed in the county property tax records. Service of notice is complete by depositing the notice with the United States Postal Service, first class mail, postage prepaid, or by serving the notice by hand delivery.
- (2) The penalty shall be due and payable to the town no later than 30 days after the notice of assessment has been served. Failure to pay the civil penalty or file an appeal within the 30 days of service of the notice assessment shall result in an additional penalty of \$50. The Finance Department may collect civil penalties in a civil action in the nature of a debt.

(C) The Town Attorney or his or her designee may apply to the appropriate court for an injunction and order of abatement which would require that a violator correct any unlawful condition relating to this chapter existing on the property.

(D) The Town Manager or his or her designee may hire a contractor to correct any condition existing upon real property in violation of any provisions of this chapter.

(1) The costs resulting therefrom, including the code enforcement division's administrative costs, may be assessed as a civil penalty in the manner outlined within this chapter, to the person responsible for the violation. The code enforcement division may pay the contractor for the services performed and send the contractor's original invoice to the Finance Department.

(2) If the civil penalty is not paid, the Finance Department shall levy a lien against the property in the amount equal to the civil penalty. The Finance Department shall provide notice, by regular mail, to the property owner within five days of levying a lien on the property.

(3) The Finance Department shall be authorized to cancel any lien filed pursuant to this chapter that has been satisfied or was placed against the property in error. A property owner can challenge the filing of a lien by a written appeal to the Finance Department, within 60 days of the date the notice of lien filing was made by the Finance Department, indicating that a lien has been placed against the property.

#### **§ 51.13 NOTICE OF VIOLATIONS AND CIVIL PENALTIES.**

(A) Except as provided in subsection (C) of this section, the Town Manager or his or her designee shall notify the person responsible for a violation of any provision of this chapter and give the responsible person a specified time to correct the violation. If the violation is not corrected within the time specified, the Town Manager or his or her designee shall initiate enforcement proceedings as described in § [51.12](#).

(1) Civil penalty. A civil penalty in the amount of \$50 may be issued to any person in violation of this section, subsection of this entire chapter.

(B) Notice of a violation shall be given in writing and mailed or hand delivered to the address listed for the responsible person in the county property tax records. Service of any written notice is complete by hand delivering the notice or by depositing the notice in first class mail.

(C) *Exceptions.*

(1) No written notice will be given to persons placing solid waste and/or containers at curbside prior to the day preceding the scheduled curbside collection date or not removing solid waste and/or containers from curbside by midnight on the day of collection.

(2) No written notice will be given to persons placing bulky waste materials at curbside prior to the day preceding the scheduled curbside collection date or not removing bulky waste from curbside by midnight on the day of collection.

(3) No written notice will be given when the Town Manager or his or her designee has the authority to summarily remove, abate, or remedy a violation of this chapter.

(4) When a person has failed to comply with a notice of violation as described above, the code enforcement division shall not be required to provide further notices of violation to that person with regard to the same property before taking any of the enforcement actions authorized by § [51.12](#).