Chapter 6 - GARBAGE, TRASH AND WEEDS

**State Law reference—** Local government solid waste responsibilities, G.S. § 130A-09A; municipal authority to regulate disposal of trash within municipal limits, G.S. § 160A-303.1; local government waste reduction programs, G.S. § 130A-309.09B; local government can regulate solid waste management standards more strictly than the state, G.S. § 130A-309.09C; state law preempts inconsistent local ordinances regarding disposal of scrap tires, G.S. § 130A-309.61.

Sec. 6-1. - Definitions.

[As used in this chapter, the following terms shall have the respective meanings ascribed to them:]

*Ashes.* The residue of the combustion of solid fuels. Includes at times small quantities of glass, crockery, sweepings, dust, brick, metal, and other inorganic materials.

*Bloodborne pathogens.* Pathogenic microorganisms that are present in human blood and can cause disease in humans.

*Building waste and debris.* Any refuse or residue resulting directly from building construction, reconstruction, repair, or demolition; from grading, shrubbings, or other incidental work in connection with any premises; or from replacement of building equipment or appliances.

*Bulk refuse.* Discarded household furniture, bedding and mattresses, lawn cuttings, hedge trimmings, cardboard etc.

*Business.* An establishment selling a product, manufacturing a product, or providing a service.

*Commercial waste.* Rubbish, mixed refuse, and ashes originating in and around commercial establishments, industrial establishments, hotels, restaurants, cafeterias, and non-public institutions.

*Contaminated.* The presence or the anticipated presence of blood or other potentially infectious materials on an item or surface.

*Contaminated sharps.* Any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

*Dead animals.* Animals that have died naturally or have been accidentally killed. Animals or parts of animals from slaughterhouses are not included in this category.

*Disposal.* The final disposal at some designated point.

*Garbage.* All putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, and consumption of food in any private dwelling, multiple dwelling, hotel, restaurant, building or institution.

*Hazardous refuse.* Any refuse, the handling or disposal of which, would constitute a danger to Town employees or Town property.

*Household wastes.* Garbage, mixed refuse, ashes, and bulk originating in and around private dwellings, multiple dwellings, living quarters, or dining facilities located in schools.

*Industrial wastes.* Any residue resulting directly from industrial or manufacturing operations. It shall not include waste originating from commercial operations of an industrial establishment, nor shall it include waste resulting from the commercial operations of persons engaged in the construction of buildings, the repairing of streets and buildings, demolition, or excavation. Residue resulting from tree or landscaping services shall also be excluded.

*Institutional waste.* Mixed refuse and ashes originating in and around tax exempt hospitals and public charitable, philanthropic, or religious institutions conducted for the benefit of the public. Institutions not covered by this definition shall be considered commercial establishments.

*Litter.* Refuse or any other waste material which if thrown or deposited on any premises, vacant lot, street, alley, or sidewalk tends to create a danger to public health, safety, and welfare.

*Occupational exposure.* Reasonably anticipate skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee’s duties.

*Receptacles.* Any garbage container approved by the Public Works Director.

*Refuse.* All garbage and rubbish from residences, businesses, and industrial plants.

*Rubbish.* All cardboard, plastic, metal or glass food containers, wastepaper, rags, sweepings, small pieces of wood, excelsior, rubber, leather, and similar waste materials that ordinarily accumulate around home, business, or industry. It shall not include garbage, industrial waste or building waste resulting from the operations of a contractor.

*Slop.* Liquid waste related to garbage.

*Trash house.* Any room within or outside a building that is used for the storage of refuse.

*Weeds and rank vegetation.* Any weeds, such as poison ivy, weeds and grasses causing hay fever, noxious weeds (kudzu), plants with obnoxious odors, and those which serve as breeding places for mosquitoes, as a refuge for rats and snakes, and as a hiding place for filth. In addition, the term shall mean any growth that creates a nuisance due to unsightliness or fire hazard, or which might create a serious traffic hazard.

Sec. 6-2. - Administration.

(a) *Chief of Police or his/her designee.* The Chief of Police or his/her designee shall have the responsibility for the enforcement of the sanitation regulations and for issuance of citations for any violations.

Sec. 6-3. - Littering.

(a) *Litter in public places.* No person shall throw or deposit any litter in or upon any street, sidewalk, or other public place within the Town except in public receptacles or in authorized private receptacles for collection.

(b) *Sweeping litter into, or allowing to remain in, gutters, etc.; prohibited.* No person shall sweep into, or deposit in, any gutter, street or other public or private place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk and driveways abutting their property clean and free of litter. This shall not apply to leaves during the regular leaf collection period, October 1 through March 1.

(c) *Merchant's duty to keep sidewalks, etc., free of litter.* No person owning or occupying a place of business shall sweep into, or deposit in or on any gutter, street, sidewalk or other public or private place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Town shall keep the sidewalk abutting their business premises clean and free of litter.

(d) *Litter thrown by persons in vehicles.* No person, while a driver or passenger in a vehicle shall throw or deposit litter upon any private property, any street or other public place within the Town.

(e) *Truck loads causing litter.* No person shall drive or move any truck or other vehicle within the Town unless such vehicle is so constructed or loaded as to prevent any load, dirt, or contents of litter from being blown or deposited upon street, alley or other private or public place.

(f) *Litter in parks or in water courses.* No person shall throw or deposit in any park within the Town except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other private or public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere. No person shall throw or deposit litter in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere in the Town.

(g) *Public waste cans.* No place of business or occupant of any building shall use public waste baskets or cans for disposal of their trash or garbage.

**State Law reference—** Town may regulate illegal disposal of solid waste, littering, G.S. § 160A-185.

Sec. 6-4. - Collection of refuse by private contractors.

(a) *Collection; generally.* No person shall collect, handle, haul, or transport on any of the streets, alleys, public ways or places of the Town, any refuse without first having procured a permit therefore from the Town of Glen Alpine.

(b) *Collection of garbage and slop.* Any vehicle to be used for the purpose of hauling or transporting garbage shall first be approved by the Town of Glen Alpine, which shall issue a permit for this purpose. The vehicle shall be always subject to inspection as to condition and cleanliness. All garbage and slop hauled in such vehicles shall be hauled in closed containers. Persons having a permit for hauling garbage or slop under the provisions of this section shall place daily at each hotel, cafe, cafeteria or restaurant or other place from which such garbage or slop is to be hauled a clean empty can furnished by such person or by the operator of such hotel, cafe, cafeteria, or restaurant, for garbage or slop. Each such can shall be removed not later than the following day, Sundays excepted.

Sec. 6-5. - Collection and disposal of building waste and debris.

(a) *Responsibility.* The owner or occupant of every residence, building, business, or industry shall have the responsibility of collecting and disposing of all building waste and debris. The Department of Public Works will not under any circumstances collect or remove any building waste or debris.

(b) *Demolished buildings.* All demolished buildings shall have all material removed down to below-ground level and the land shall be rough graded level so as not to present a nuisance hazard or to appear unsightly.

(c) *Method of disposal.* Building waste and debris will be taken to the Town sanitary landfill for disposal, or to a site pre-approved by the Town or County.

Sec. 6-6. - Collection of dead animals.

Dead animals and livestock will not be collected from veterinarians and animal hospitals. Small animals, if kept separate from garbage and rubbish, will be collected without charge upon notice to the Street Department.

Sec. 6-7. - Lot nuisances.

 (a) The existence of any of the following conditions on any lot or parcel of land, whether occupied or not, within the corporate limits is hereby declared to be dangerous and prejudicial to the public health, safety, welfare, appearance, or economic value of adjacent property, and shall constitute a public nuisance:

(1) The uncontrolled growth of weeds or grass to a height more than 8 inches causing or threatening to cause a hazard detrimental the public health, safety, welfare, appearance of the community or economic value of adjacent property.

(2) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitance therein of rats, mice, snakes, or vermin of any kind, which is or may be dangerous or prejudicial to the public health, safety, welfare, appearance of the community or economic value of adjacent property.

(3) Any accumulation of rubbish, trash, junk, or tires causing or threatening to cause a hazard detrimental to the public health, safety, welfare, appearance of the community, or economic value of adjacent property.

(4) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.

(b) Every owner, lessee, or person in possession, or any agent, servant, representative, or employee of any such owner, lessee, or person in possession, having control of any lot or land in the Town shall cut any growth of weeds or grass, or other vegetation, at least once a month or when the weeds become 8 inches high ( whichever comes first). If such owner, lessee, or person in possession, shall fail to remove such grass, weeds, or other vegetation, the Town shall have the right to proceed in accordance with the following subsections.

(c) The Town Administrator or designee, upon notice from any person of the existence of any of the conditions  described in subsection (a), shall cause to be made by the appropriate County Health Department  official, or Town official, such investigation as may be necessary to determine whether, in fact, such  conditions exist as to constitute a public nuisance as declared in subsection (a).

(d) Upon the determination that such conditions constituting a public nuisance exist, the Town Administrator or designee shall notify, in writing, the owner, occupant, or person in possession of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within 15 days from the receipt of such written notice.

(e) If any person, having been ordered to abate such a public nuisance, fails, neglects, or refuses to  abate or remove the condition constituting the nuisance within 15 days from receipt of said order, the  Town Administrator or designee shall cause said condition to be removed or otherwise remedied by having  employees of the Town or contractor employed by the Town to go upon said premises and remove or  otherwise abate such nuisance under the supervision of the Town. Provided, however, that no employee of the Town or contractor employed by the Town shall enter upon the premises of an occupied dwelling without the express consent of the owner or tenant in possession. Any person who has been ordered to abate a public nuisance may within the time allowed by this action request the Town in writing to remove such condition, the cost of which shall be paid by the person making such request.

(f) The Town shall charge appropriate fees to remove or otherwise abate a public nuisance. It shall be the duty of the Finance Department to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within 30 days from the receipt thereof.

(g) In the event charges for the removal or abatement of a public nuisance are not paid within 30 days  after the receipt of a statement of charges as provided for in subsection (f) above, such charges shall  become a lien upon the land or premises where the public nuisance existed and shall be collected as  unpaid taxes, as provided by law or by civil action to obtain judgment for such charges together with  the costs therefor and reasonable attorney fees.

(h) The procedure set forth in this section shall be in addition to any other remedies that may now or  thereafter exist under law for the abatement of public nuisances and this section shall not prevent the  Town from proceeding in a misdemeanor criminal action against any person, firm or corporation  violating the provisions of this section as provided in G. S. § 14-4. The maximum fine upon conviction shall be not more than $50.00.

(i) Any person, firm or corporation notified under the provisions of subsection (d) herein may appeal from such determination by submitting an appeal in writing to the issuing authority within ten days of the date of such issuing authority's letter of notice. Upon receipt of an appeal, the issuing authority shall schedule a hearing to be held for the appellant before the Town Administrator. Such hearing shall be held within five days of the date the appeal is received and the appellant shall be advised of such date, time, and place in writing. The appellant's failure to appeal shall be conclusively deemed to be a waiver of his right to appeal. After a hearing before the Town Administrator, an appellant may further appeal to Superior Court and such appeal shall be in the nature certiorari as provided by the North Carolina General Statutes.

(j) *Chronic violator defined.* A chronic violator is a person who owns property whereupon, at least three times in the previous calendar year, the Town issued a notice of violation pursuant to section 6-9(d) due to conditions prohibited by this section.

(k) *Annual notice to chronic violators.* The Town may notify a property owner who is a chronic violator as  defined in subsection (j), of this section that, if the violator's property is found to be in violation of this  article, the Town may, without further notice in the calendar year in which the notice is given, take  action to remedy the violation and the expense of the action shall become a lien upon the property and  shall be collected as unpaid taxes in accordance with G.S. § 160A-193. The annual notice shall be served by registered or certified mail and regular mail. If the owner of the property refuses to accept notice of the violation, or if the name or whereabouts of the owner of the property cannot be discovered through the exercise of due diligence, then the notice shall be posted on the property in question and published one time in a newspaper of general distribution in the Town.

**State Law reference—** Municipal abatement of public health nuisances, G.S. § 160A-193; abatement of public health nuisance, G.S. § 130A-19; abatement of imminent hazard, G.S. § 130A-20.