

AN ORDINANCE AMENDING TITLE 6, CHAPTER 2 – SOLID WASTE COLLECTION AND DISPOSAL OF THE CITY OF HIGH POINT CODE OF ORDINANCES

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of High Point Title 6 – Public Services, Chapter 2 – Solid Waste Collection of the City of High Point Code of Ordinances be hereby amended as follows:

CHAPTER 2 - Solid Waste Collection and Disposal

Sec. 6-2-1. - Definitions.

(a) For the purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(b) The following definitions shall apply in the interpretation and the enforcement of this chapter:

- (1) *Ashes* means refuse from the burning of wood, coal, paper, and/or other combustible material which has been wetted and cooled to the touch prior to collection.
- (2) *Blood and body fluids* means liquid blood, serum, plasma, other blood products, emulsified human tissue, spinal fluids, and pleural and peritoneal fluids. Dialysates are not blood or body fluids under this definition.
- (3) *Bulk containers* mean a metal container made of watertight construction with sliding doors opening on two (2) sides and hinged top, and constructed so that it can be emptied mechanically by specially equipped trucks. Containers shall be kept covered at all times. Hereinafter upon effective date of this section, all new bulk containers shall meet these specifications.
- (4) *Bulky item* means the occasional items that are inappropriate or too large for compacting in the garbage truck such as white goods, stoves, refrigerators, water heaters, gas grills, wheelbarrows, bicycles, lawn mowers, sofas, box springs, carpet/padding, and other furniture and appliances. Bulky item collection is not intended to remove the entire contents of a property or house. No tires will be accepted.
- (5) *Business* means a corporation, industry, company, retail, landlord, and/or other entity engaged in a for-profit endeavor.

- (6) *Central Business District* means that section of the city bounded by Russell Street on the south, Elm Street on the west to Church, thence north along Main Street to Montlieu on the north and Hamilton Street on the east.
- (7) *City* means the City of High Point.
- (8) *Collection* means the act of removing solid waste from a point of generation to an approved disposal site. Collection shall be at the curb for garbage, yard waste, recyclables and bulky items.
- (9) *Commercial establishment* means any retail, wholesale, institutional, religious, hotels, governmental or other nonresidential establishment at which solid waste may be generated.
- (10) *Commercial waste* means solid waste generated from institutions and commercial concerns such as hotels, stores, etc.
- (11) *Construction or demolition when used in connection with "waste" or "debris"* means solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, but does not include inert debris, land-clearing debris, or yard debris.
- (12) *Detachable container* means a unit varying in capacity between 20 cubic yards and 40 cubic yards which is used for collecting, storing, and transporting building materials, commercial waste, industrial waste, hazardous refuse, refuse, or yard trash. The unit may or may not use an auxiliary stationary packing mechanism for compaction of materials into the container and may be of the open or enclosed variety. The distinguishing feature of the detachable container is that it is picked up by a specially equipped truck and becomes an integral part of the truck for transporting the waste materials to the disposal site.
- (13) *Flow control area* is a designated geographic area within which the collection, transportation, storage, and disposal of all solid waste generated within said area shall be accomplished in accordance with a solid waste management plan.
- (14) *Garbage* means all putrescible waste, that is solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal and carcasses, including animal offal and carcasses and recognizable industrial

byproducts, but excluding sewage and human waste. Offal, carcasses, and pet feces shall be securely bagged for collection.

(15) *Generating facility* means any facility where medical waste first becomes a waste, including but not limited to any medical or dental facility, funeral home, laboratory, veterinary hospital, and blood bank.

(16) *Government* or *Governmental* means any government, state, county or local government which operates separate and apart from the City of High Point.

(17) *Group housing* means apartments, condominiums, group developments.

(18) *Hazardous waste* means a solid waste, or combinations of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

(19) *Inert debris* means solid waste which consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.

(20) *Land clearing debris* means solid waste (stumps, tree trunks, roots, dirt, large limbs, etc.) which is generated solely from land clearing activities.

(21) *Lead acid batteries* means any battery containing lead, acid, or both.

(22) *Litter* includes, but is not limited to, garbage refuse, waste material or any other discarded, used, or unconsumed substance which is not handled as specified herein.

(23) *Loose leaves* means tree/plant foliage that has fallen from trees/plants and has been placed along the street in rows or piles, not in bags, for collection.

(24) *Loose tree limbs* means large, heavy yard and/or tree trimmings or cuttings resulting from heavy pruning, tree or shrub removal, or plant breakage.

These limbs have not been trimmed or cut to proper size, length, or bundled for collection.

(25) *Material recovery facility* is a state permitted solid waste management facility that receives recyclables within the designated flow control area. The facility also processes removed recyclables for sale to recycling markets.

(26) *Medical waste* means any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste identified or listed pursuant to this article, radioactive waste, household waste as defined in 40 Code of Federal Regulations, section 261.4(b)(1) in effect on July 1, 1989, or those substances excluded from the definition of solid waste in this section.

(27) *Microbiological waste* means cultures and stocks of infectious agents, including but not limited to specimens from medical, pathological, pharmaceutical, research, commercial, and industrial laboratories.

(28) *Multi-family residential unit* means any apartment, group of apartments or condominiums used for residential dwelling places.

(29) *Nonresidential unit* means any retail, manufacturing, wholesale, institutional, religious, nonprofit organization, governmental or other unit not primarily used for residential purposes.

(30) *Oil* means any oil new or used which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties, but which may be suitable for further use and is economically recyclable.

(31) *Pathological waste* means human tissue, organs and body parts, and the carcasses and body parts of all animals that were known to have been exposed to pathogens that are potentially dangerous to humans during research, were used in the production of biologicals or in vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.

(32) *Person* means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

(33) *Physical disability* means a medical condition, verified by a registered physician, that makes an individual either physically unable to bring a rollout cart to the curbside for collection and/or that makes undertaking such an act clearly and seriously threatening to that person's health.

(34) *Recycling* means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed, and reused or returned to use in the form of raw materials or products.

(35) *Recyclable material* means those materials which are capable of being recycled can be marketed at a value greater than the costs associated with processing and shipping that material to a buyer, and which would otherwise be processed or disposed of as solid waste. Examples of recyclable materials are as follows: newspaper and accompanying inserts, magazines, chip board, corrugated cardboard, mixed and office paper (excluding sanitary products), telephone books, plastic bottles (#1 PET), plastic containers (#2 HDPE), steel cans, aluminum cans, glass containers, and yard waste (leaves, brush, grass clippings) and other materials determined to be recyclable by the public services director.

(36) *Rental trash trailer program* means city service to provide a large trailer rental for residential property owners, customers, and tenants for a larger quantity of bulky items to be disposed. Service is for a fee .

(37) *Refuse* means all non-putrescible waste.

(38) *Regulated medical waste* means blood and body fluids in individual containers in volumes greater than 20 milliliters, microbiological waste, and pathological waste that have not been treated.

(39) *Rollout cart* means a wheeled solid waste, yard waste, and/or recyclable receptacle compatible with city garbage collection equipment, and approved by the department of public services.

(40) *Scrap tire* means a tire that is no longer suitable for its original, intended purpose because of wear, damage, or defect.

(41) *Sharps* means and includes needles, syringes with attached needles, capillary tubes, slides and cover slips, and scalpel blades.

(42) *Sharps container* means a container manufactured and approved for the disposal of sharps. The container must be rigid, leak-proof when in the

upright position, puncture-resistant, and shall be labeled with a water resistant universal biohazard symbol.

(43) *Single-family attached housing* is a project of one (1) or more residential structures, each containing two (2) or more attached single-family residences.

(44) *Single-family dwelling* means any dwelling place occupied by one (1) family.

(45) *Sludge* means any solid, semisolid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, waste supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects.

(46) *Small dead animals* means cats, dogs, small household pets, and other small animals of similar size weighing less than 100 pounds. Definition does not include livestock (cows, pigs, goats, horse).

(47) *Solid waste* means any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment, and disposal systems; and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. The term does not include:

- a. Fecal waste from fowls and animals other than humans.
- b. Solid or dissolved material in:
 1. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters;
 2. Irrigation return flows; and
 3. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under section 402 of the Water Pollution

Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this article.

- c. Oils and other liquid hydrocarbons controlled under article 21A of chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this article.
- d. Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. Par. 2011).
- e. Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this article.

(48) *Special wastes* means solid wastes that can require special handling and management, including white goods, whole tires, used oil, lead-acid batteries, and medical wastes.

(49) *Tipping fee* means the charge per ton approved by the city council for processing and disposal of solid waste as well as the capital and operation and maintenance costs associated with the materials recovery facility.

(50) *Tire* means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G.S. 20-4.01(23).

(51) *White goods* include inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

(52) *Yard waste* means solid waste consisting solely of vegetative matter which includes, but is not limited to, tree limbs, grass clippings, weeds, bush clippings, leaves, brush, and etc. resulting from regular maintenance of yards, gardens, and landscaping maintenance activities. Yard waste does not include entire trees, large tree trunks, stumps, or clearing activities. It

also does not include any material generated by commercial tree companies.

Sec. 6-2-2. - Responsibility for solid waste removal.

Responsibility for administration of residential solid waste removal shall lie with the public services department. Bulk containers, roll-off containers, or detachable containers shall be removed by private contractors. Persons desiring to collect bulk containers, roll-off containers, or detachable containers shall secure a permit from the public services department.

Sec. 6-2-3. - Containers required for solid waste removal.

All householders and business proprietors shall provide the necessary receptacles as indicated by this chapter for solid waste subject to removal by the environmental services division of the public services department or private contractors.

Sec. 6-2-4. - Solid waste containers; size, type, etc.

(a) Rollout carts constructed so that they can be emptied by the lifting devices mounted on city trucks are required and shall be of a type and size approved by the department of public services.

(b) Bulk containers are authorized per the specifications as set forth by the director of public services. Distributors of bulk containers who wish to sell or lease such containers in the city are subject to approval by the director of public services and must have on file in the public services department a service and maintenance agreement for such containers.

(c) Twenty-to-40-yard detachable containers are authorized through private contractors. Such contractor must be approved by the director of public services.

Sec. 6-2-5. - Preparation of solid waste for collection.

Solid waste materials are collected once per week beginning at 7:00 a.m. (with the exception of that area designated as the Central Business District, which must be placed at the curb by 5:00 a.m., the day of collection). Rollout carts, recycling containers, and yard waste which are not out when the truck passes, will not be collected until the next regularly scheduled pickup date. Rollout carts shall be removed from the curb the date they are serviced. Contractors, businesses, landlords, retail, etc. are responsible for the removal and disposal of their generated solid waste.

(a) All solid waste shall be placed in approved rollout carts. No loose bags of garbage shall be placed at the street and will not be collected. All bags must be contained in the approved rollout carts. It is recommended that all garbage be contained in bags as to prevent spillage during servicing. The city manager may authorize city crews to collect additional bagged solid waste on certain occasions during the year (such as Christmas) for a set time period, such as two

(2) weeks after the holiday. The maximum number of rollout carts allowed for garbage service for any one (1) household is two (2) carts.

(b) Yard waste shall be placed at the curb in a city approved yard waste rollout cart, boxed, bagged in clear plastic bags, or secured in bundles weighing no more than 50 pounds and not exceeding a length of four (4) feet. Yard waste may not be mixed with any other types of solid waste.

Loose tree limbs (LTLs) not conforming to yard waste requirements shall not be collected by the city. It is not the intent of the city to collect large portions of trees, entire tree(s), or lot clearing debris. Any tree trimming or removal performed at a multi-family residential unit or condominiums, or by a commercial company, business, landscaping company, or entities other than the property owner shall be responsible for the complete removal and disposal of all materials.

In the event of a storm (ice, tornado, severe thunderstorm, etc.), the City Manager may authorize the collection of loose tree limbs for a set time period (i.e. four (4) weeks) for crews to remove all limbs placed at the curb as a result of storm cleanup.

(c) Loose leaves may be placed at the edge of the road (not in the road, ditchline or curblane) for loose leaf collection during the late fall and early winter each year (approx. November through January). Collection schedules will be advertised and published. No other yard waste shall be included or mixed with loose leaves (no sticks, brush, or bagged leaves/grass).

(d) Bulky items shall be placed at the curb free from overhead wires, trees and tree limbs, mailboxes, utility poles, vehicles, or other endangerments that would impede collection. This service is intended for the occasional disposal of a mattress, appliance, furniture items, carpet, or other like items from a property owner or tenant. The bulky item service is not intended as a cleanout/disposal for removing all items from a property. Bulky items service does not apply to any business. No tires will be collected by the city. Tires shall be disposed at the county tire facility.

(e) The city provides for the collection of recyclable materials and strongly encourages all residents to participate. Recyclable materials should be placed in a city-approved container. Acceptable materials are defined above and in city literature. Materials do not require sorting. Only recyclable materials should be placed in the containers. Mixing garbage, yard waste or other materials with recyclables will result in a notice of violation and no collection.

(f) Materials such as computers, monitors, TVs, batteries, chemicals, oils and other hazardous materials are not accepted as recyclable or solid waste and should not be placed in any container and will not be collected. These items may be recycled at the county's household

hazardous waste recycling facility or other approved sites. Plastic bags (#2 LDPE) should be returned to retail stores for recycling and should not be included in weekly recycling collection.

Sec. 6-2-6. - Availability and extent of service.

(a) Rollout carts shall be serviced once per week with the exception of the Central Business District (CBD), which shall be serviced four (4) times per week. This service includes garbage, recyclables, bulky item, and yard waste. No customer shall have more than two (2) rollout carts for garbage service. The city reserves the right to suspend, delay, or alter the time of collection of one (1) or all services temporarily should snow, ice, storms, flooding, extreme heat/cold or other conditions make it unsafe for the public or employees during collection operations.

(b) As a courtesy, backdoor service is available for garbage and recycling on a once per week basis, provided that prior approval has been granted by the environmental service superintendent, upon verification of a valid medical reason by a medical doctor for those persons who are physically unable to place their rollout cart to the curb. The city also reserves the right to periodically verify the need to continue backdoor service to residents who have been approved to receive the service. The city reserves the right to continue or discontinue backdoor service. The director of public services or his designee shall have the authority to determine the proper location for rollout carts for disabled residents.

(c) Single-family attached housing (townhomes) shall be serviced as subsection (a) above, provided the city shall be held harmless against any and all claims for pavement damage resulting from rollout cart service, and provided the drives are designed for proper movement of solid waste collection vehicles. Developers, at their option, may request bulk container service.

(d) All locations, except for single-family dwellings, which generate more solid waste than can be serviced by two (2) rollout carts once weekly, shall be required to furnish a bulk container of the type approved by the director of public services, provided that such container can be installed and serviced. Solid waste collection service for this container shall be by private contractor.

Sec. 6-2-7. - Purchase of roll-out carts.

Rollout carts for garbage, yard waste, and recycles shall be purchased from the city. All carts will carry a 10-year warranty against defects for materials and workmanship.

Sec. 6-2-8. - Interfering with collection practices.

No person or persons shall interfere, meddle with refuse containers or in any way pilfer, scavenge, scatter the contents of, or place junk in any alley or street within the city limits or otherwise deter the normal solid waste collection process by tampering with solid waste containers unless by permission of the environmental services superintendent or his

representative, nor shall any person place any hazardous waste in any collection receptacle. This applies to garbage, bulky items and recyclables.

Sec. 6-2-9. - Littering.

Littering is prohibited. It shall be a violation of this chapter for any person to intentionally or recklessly throw, scatter, spill, sweep, or deposit or otherwise dispose of garbage, litter, debris, trash, or other materials

- (a) On any property or private property not owned by him/her;
- (b) In a manner that it may be carried or deposited by the elements on any street, sidewalk, alley, storm drain, or other public or private property or place; or
- (c) In any stream, creek, waterway, or body of water.

Sec. 6-2-10. - Medical waste.

No medical waste shall be deposited or permitted to be deposited in the waste stream within the flow control area. The director of public services shall terminate solid waste collection services to any commercial establishment at which a violation of this section occurs. Such termination is not a penalty, but shall nevertheless be in addition to and not in lieu of the imposition of civil or criminal penalties for violation of this chapter.

Sharps as defined above shall not be placed in the rollout carts, recyclable containers, or other containers for regular solid waste collection. All sharps items should be placed in an approved sharps container as defined above, but not placed in the regular solid waste stream. Residential customers may call the city's customer service division (336-883-3111) to schedule a pickup of the sharps containers free of charge. If a customer is found to repeatedly place sharps in the regular solid waste collection, the director of public services may discontinue solid waste service to the property and/or impose violation fines.

Sec. 6-2-11. - Responsibility to place solid waste for collection.

It shall be the responsibility of each householder or storekeeper to place their solid waste for collection at the proper time and in the proper manner as provided for in this chapter.

Sec. 6-2-12. - Dumping solid waste, etc., on open lots prohibited; exception for landfilling.

No solid waste, yard waste, special waste, or other offensive material shall be dumped, thrown, or allowed to remain on any lot or space within the city limits. However, the owner of any lot or parcel of land desiring to conduct a fill operation shall apply for the appropriate permits, and any fill operation shall be conducted in accordance with all local, state, and federal rules, laws, and conditions contained in the permit.

Sec. 6-2-13. - Replacement of roll-out carts.

Replacement of rollout carts shall be the responsibility of the property owner, resident, or tenant. The environmental services superintendent shall have the authority to discontinue service when a container becomes unserviceable and advise the householder of same.

Sec. 6-2-14. - Removal of small dead animals.

The city provides for the removal of small dead animals (less than 100 pounds). This service is provided five (5) days per week during normal business hours. Small dead animals shall be placed in a plastic bag and put in the rollout cart on the normal schedule collection day or scheduled through customer service (336-883-3111). Dead animals weighing 100 or more shall be removed and disposed of by the owner. The collection of small animals includes dogs, cats, birds, and other similar pets/animals. It does not include livestock, horses, pigs, goats, or similar animals.

Dead animals already in the street or on the edge of the street, when the owner is not identified, will be scheduled for collection by the city upon notification of their existence.

The city will provide dead animal collection to local veterinarians offices for a fee as set by the director of public services. Veterinarian offices shall call the city's customer service division (336-883-3111) to schedule a pickup of dead animals. The city will collect up to 10 animals, none exceeding 100 pounds, during a requested pickup. The veterinarian office is required to bring the dead animals to the truck. Veterinarian offices will be billed for the service per the established fee.

Sec. 6-2-15. - Rental trash trailer program.

The rental trash trailer program provides residents, homeowners, and tenants with a means to remove larger quantities of bulky item materials or yard waste from the property to the landfill or compost facility for a fee. Upon request of a trailer and payment of fee (fee as set by the director of public services), the city will deliver a trailer to the property for a given time. Disposal and accepted material rules posted on the trailer must be followed. Failure to follow rules for the trailer will result in additional fees/fines, additional disposal costs, and/or refusal to accept materials.

Sec. 6-2-16. - Ownership of all waste collected by public or private collectors.

All solid waste collected in the city by public or authorized private collectors and all solid waste collected in the flow control area shall be delivered to the city landfill, compost facility, or material recovery facility unless otherwise specifically authorized by the director of public services.

Sec. 6-2-17. - Flow control area.

(a) All solid waste generated within the flow control area that is placed in the waste stream for disposal shall be collected, transported, stored, and disposed of by the city at permitted solid waste management facilities of the city in accordance with the solid waste management plan adopted by the DEHNR. The director of public services shall maintain a current map of the flow control area which shall be available for public inspection.

(b) The director of public services with the approval of the city manager is authorized to grant exceptions to the requirements of subsection (a) of this section in order to effectuate the intent of the solid waste management plan or to enhance or protect the operation of solid waste management facilities, so long as such exceptions are with the approval of DEHNR.

Sec. 6-2-18. - Penalty for violation.

Items found in violation of this chapter will be tagged as such to notify the property owner, resident, or tenant of the issue(s). If the violation is not corrected, the city will take action to remedy the violation. The property owner, resident, or tenant may be fined as described below and will be charged the actual costs of cleanup and disposal.

Violation of any provision of this chapter shall constitute a misdemeanor; shall also or alternatively subject the offender to a civil penalty in the amount of \$500.00; and shall also be subject to appropriate equitable remedies including but not being limited to injunctive relief. Each days' continuing violation shall constitute a separate offenses.

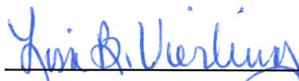
Sec. 6-2-19. - Commercial Mattress Disposal.

No disposal of mattresses in the landfill from commercial establishments will be permitted. **Sec.**

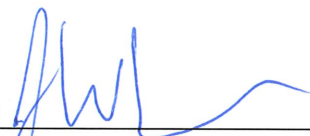
6-2-20. -Administration and enforcement.

The administration and enforcement of the provisions of this chapter shall be the responsibility of the public services department.

Adopted this the 5th day of March 2018.


Lisa B. Vierling, City Clerk





Mayor Jay W. Wagner

