



Nice Matters!

Town of Emerald Isle
7500 Emerald Drive
Emerald Isle, NC 28594

252-354-3424 voice
252-354-5068 fax

www.emeraldisle-nc.org

Mayor
Eddie Barber

Mayor Pro-Tem
Floyd Messer, Jr.

Board of Commissioners
Tom Hoover, Jr.
Jim Normile
John Wootten
Maripat Wright

Town Manager
Frank A. Rush, Jr.
frush@emeraldisle-nc.org



October 13, 2015

ORDINANCE AMENDING CHAPTER 15 – SOLID WASTE MANAGEMENT – OF THE CODE OF ORDINANCES (COMPREHENSIVE REVIEW)

Whereas, the Town of Emerald Isle, a NC municipal corporation, was established in 1957, and

Whereas, the Town's Code of Ordinances was codified in 1983, and has been amended numerous times over the years, and

Whereas, the Town has been undertaking a comprehensive process to review, clarify, and condense the entire Code of Ordinances, with a goal to review one chapter of the Code each month, and

Whereas, the Board of Commissioners has completed a review of the Town Charter and other chapters in the Code of Ordinances and adopted comprehensive amendments, and Chapter 15 is the next chapter to be reviewed in this comprehensive process,

NOW THEREFORE BE IT ORDAINED by the Emerald Isle Board of Commissioners that

1. Chapter 15 – Solid Waste Management - of the Code of Ordinances is hereby repealed, and is replaced with the following new Chapter 13, also entitled Solid Waste Management:

Chapter 13 - SOLID WASTE MANAGEMENT

Sec. 13-1. - Definitions.

For the purpose of this chapter, certain terms and words are defined as follows:

Ashes means waste materials resulting from the burning of wood, coal, and other combustible material.

Construction and demolition debris means rubbish from construction, remodeling, and repair operations on houses, commercial buildings, and other structures, including, but not limited to, excavated earth stones, brick, plaster, lumber, concrete, and waste parts resulting from installations and replacements.

Dumpster means a metal container intended for the bulk containment and disposal of solid waste.

Business location means any structure used for or adapted to business, commercial, or income-producing purposes.

Garbage means all rubbish, food materials, and other dry and wet waste of little or no value and intended to be discarded.

Hazardous waste means materials such as poisons, acids, caustics, chemicals, infected materials, explosives, radioactive materials, and other volatile or potentially dangerous substances.

Recyclables means aluminum, tin, glass, plastics, newsprint and accompanying inserts, office paper, cardboard, and/or any other items deemed recyclable by the town.

Rubbish means dry waste materials, including but not limited to paper, rags, cartons, boxes, wood, rubber, leather, tin cans, metals, small mineral matter, glass, crockery, dirt, earth, and dust.

Solid waste includes all types of material regulated by this chapter, including, but not limited to, garbage, rubbish, recyclables, yard debris, white goods, construction and demolition debris, hazardous waste, and ashes.

Waste means useless, unused, unwanted, or discarded materials resulting from natural community activities, including solids, liquids, and gases.

White goods means old and/or discarded refrigerators, washers, dryers, water heaters, stoves, and other appliances taken from or removed from a residence.

Yard debris means tree, bush, and hedge branches, cuttings and trimmings, yard trimmings, grass, leaves, and other natural organic matter removed from a developed residential property.

Sec. 13-2. - Solid waste collection practices.

- (a) The town will provide for the curbside collection, removal, and disposal of certain garbage, recyclables, yard debris, and white goods from residential properties, with the collection times, routes, and schedules established by the town and publicized accordingly.
- (b) The town will provide for the collection, removal, and disposal of garbage and recyclables from designated containers on the public trust beach areas, with the collection times, routes, and schedules established by the town to maintain clean public trust beach areas.
- (c) Business locations shall be required to arrange for the collection, removal, and disposal of garbage, recyclables, yard debris, white goods, and all other waste. The town does not provide these services for business locations.
- (d) Construction and demolition debris shall be collected, removed, and disposed of by the contractor or builder, or in their failure, by the owner of the property. The town does not collect construction and demolition debris.
- (e) No industrial waste, hazardous waste, or liquid waste shall be collected by the town, and disposal of such waste shall be the responsibility of the individual or business generating such waste.
- (f) Special collections of solid waste may be arranged by the town in response to hurricanes or other natural or manmade disasters.

Sec. 13-3. - Garbage containers.

- (a) Each residential unit shall provide a sufficient number of containers to adequately contain all garbage existing or generated at such premises.
 - (1) Each residential unit must have a minimum of one (1) 60/65-gallon roll-out container or 90/95-gallon roll-out garbage container. Residential units occupied by individuals who are physically unable to roll-out a 60/65-gallon or 90/95-gallon roll-out container may utilize a 35/40-gallon roll-out container if authorized by the town.
 - (2) Each residential vacation rental unit must have a minimum of one (1) 90/95-gallon roll-out container for each three (3) bedrooms in the residential vacation rental unit. For purposes of this chapter, the required number of 90/95-gallon containers shall be based on the next interval of three (3) bedrooms (i.e., a residential vacation rental unit with four (4) bedrooms would require two (2) 90/95-gallon containers; a residential vacation rental unit with eight (8) bedrooms would require three (3) 90/95-gallon containers).

- (3) For purposes of this section, a bedroom is any room which provides a facility for sleeping, including, but not limited to, day beds (or other convertibles), sleeper sofas or couches, hide-a-beds, cots, roll-away beds or cribs.
- (b) Each condominium complex, townhouse complex, and multi-family location that is required to use a dumpster shall provide one (1) or more dumpsters at the separate cost of the condominium complex, townhouse complex, and/or multi-family location. Each condominium complex, townhouse complex, or multi-family location that is required to use dumpsters shall provide one (1) or more cement pads of sufficient size to accommodate all dumpsters
- (c) All business locations shall provide a sufficient number of containers and/or dumpsters to adequately contain all garbage existing or generated at such premises.
- (d) All containers shall be maintained in good condition. A container in good condition will maintain the originally intended functionality of the container and prevent the intrusion of wind and precipitation.
- (e) Violations of this section shall subject the offender to a civil penalty in the amount of one hundred dollars (\$100.00), and may result in the temporary suspension of garbage collection services. The town manager shall have the authority to dismiss said civil penalty upon proof that the violator has placed in service a sufficient number and type of garbage containers consistent with this section.

Sec. 13-4. - Recycling containers.

- (a) Each residential unit shall provide a sufficient number of containers to adequately contain all recyclables existing or generated at such premises.
 - (1) Each residential unit must have a minimum of one (1) 35/40-gallon roll-out container, identified and marked for recyclables, per residential unit.
 - (2) Each residential vacation rental unit must have a minimum of one (1) 90/95-gallon roll-out container, identified and marked for recyclables, for each three (3) bedrooms in the residential vacation rental unit. For purposes of this chapter, the required number of 90/95-gallon containers shall be based on the next interval of three (3) bedrooms (i.e., a residential vacation rental unit with four (4) bedrooms would require two (2) 90/95-gallon containers; a residential vacation rental unit with eight (8) bedrooms would require three (3) 90/95-gallon containers.
 - (3) For purposes of this section, a bedroom is any room which provides a facility for sleeping, including, but not limited to, day beds (or other convertibles), sleeper sofas or couches, hide-a-beds, cots, roll-away beds or cribs.
- (b) Each condominium complex, townhouse complex, and multi-family location that is required to use a central recycling collection station shall provide one or more stations at the separate cost of the condominium complex, townhouse complex, and/or multi-family location. It shall be the responsibility of each owner, tenant or occupant of a condominium, townhouse, or multi-family location to separate recyclables from the garbage and cause the same to be placed in the central recycling collection station.
- (c) All business locations shall provide a sufficient number of containers and/or dumpsters to adequately contain all recyclables existing or generated at such premises.
- (d) All containers shall be maintained in good condition. A container in good condition will maintain the originally intended functionality of the container and prevent the intrusion of wind and precipitation.

- (e) Violations of this section shall subject the offender to a civil penalty in the amount of one hundred dollars (\$100.00), and may result in the temporary suspension of recyclable collection services. The town manager shall have the authority to dismiss said civil penalty upon proof that the violator has placed in service a sufficient number and type of recyclable containers consistent with this section.

Sec. 13-5. – Placement of containers.

- (a) At all times other than scheduled collection times, garbage and/or recyclable containers must be stored on the premises at a location at least thirty (30) feet from the public right-of-way or behind the front or side wall of the structure.
- (b) Garbage and/or recyclable containers may be placed adjacent to the street no earlier than 12:00 p.m. the day before collection is scheduled and must be returned to an acceptable location by 9:00 a.m. on the day after collection.
- (c) Garbage and/or recyclables shall be collected from a point directly adjacent to the street. No garbage and/or recyclables shall be placed in the street or gutter.
- (d) Violations of this section shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00).

Sec. 13-6. - Storing of solid waste; accumulation prohibited.

- (a) Every owner and every occupant or other person in control of any building or land in the town, including vacant property, shall keep the same in a clean and orderly condition and shall deposit solid waste for collection in accordance with the provisions of this chapter.
- (b) All solid waste shall be collected and placed in containers as required by this chapter, and it shall be unlawful for any person to permit waste to accumulate or remain on any premises longer than is reasonably necessary to remove and/or deposit same in approved containers as required herein.
- (c) Violations of this section shall constitute littering, shall require the immediate removal of said solid waste, and may also subject the offender to a civil penalty in the amount of two hundred fifty dollars (\$250.00).

Sec. 13-7. - Unlawful to displace containers.

- (a) It shall be unlawful for any person except the owner, or upon permission or at the request of the owner, to damage, displace, or otherwise interfere with garbage and/or recycling containers or their contents.
- (b) Violations of this section shall subject the offender to civil penalty in the amount of fifty dollars (\$50.00).

Sec. 13-8. - Yard debris requirements.

- (a) Yard debris shall be placed at the curbside in a manner so as not to prevent the safe and orderly flow of vehicular, bicycle, or pedestrian traffic. Care should be taken to avoid placement directly underneath of electrical power lines.
- (b) Tree and shrub trimmings shall not exceed eight (8) feet in length. Trees and shrub trimmings shall be assembled in piles to provide for easier, more efficient collection. Loose leaves and grasses should not be bagged.

- (c) No person shall throw, drop or deposit any leaves, shrubs or other yard debris on any curb, or into any catch basin or manhole in the town.
- (d) Violations of this section may result in the temporary suspension of yard debris collection services until such time the violation is corrected.

Sec. 13-9. – Burning of yard debris prohibited.

- (a) It shall be unlawful for any person to burn leaves, shrubs, tree limbs, or other yard debris in the town.
- (b) Violations of this section shall subject the offender to a civil penalty in the amount of one hundred dollars (\$100.00)

Sec. 13-10. - Removal of dead animals.

Dead animals will be removed from public streets, bicycle paths, sidewalks, the public trust beach areas, and other public areas by the town upon notice of the existence of such dead animal.

Sec. 13-11. - Solid waste fee.

The town imposes an annual fee on all developed residential property for the purpose of funding solid waste collection, removal, and disposal services provided for developed residential property owners and on the public trust beach areas.

The fees imposed herein shall be established and amended from time to time by the board of commissioners. The fees imposed herein shall be billed with property taxes and are payable in the same manner as property taxes. Upon non-payment of said fees, the fees imposed herein may be collected in the same manner by which delinquent personal or real property taxes are collected, and the fees herein shall be a lien on the real property described on each tax bill that includes the fee.

Secs. 13–12 – 13-99. - Reserved.

- 2. The Town Clerk is authorized to amend the sections as set forth above.
- 3. This ordinance shall become effective immediately upon its adoption. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Adopted this the _____ day of _____, 2015, by a vote of

Commissioner(s) _____ voting for,

Commissioner(s) _____ voting against, and

Commissioner(s) _____ absent.

ATTEST:

Eddie Barber, Mayor

Rhonda Ferebee, CMC, Town Clerk