

PART II - CODE OF ORDINANCES

CHAPTER 22 - SOLID WASTE

Article I. - In General

Sec. 22-1. General Policy of City.

It is the policy of the Ceity to provide efficient, equitable, safe, and sanitary removal of Solid Waste, Bulk Waste, Yard Waste, Small Limb Waste, Large Limb Waste, Household Construction Debris, and Recyclables, as defined herein,~~municipal solid waste~~ from all areas of the Ceity within the corporate limits, to afford the service to all users on as nearly an equitable basis as possible and to charge a fair and reasonable fee to those service users who require extra and disproportionately large amounts of Wasterefuse removal service. ~~The scope of this activity shall be limited to services as provided within this chapter and the city solid waste operating plan.~~ The Ceity shall further promote, protect, and preserve the general welfare of the people of the Ceity, through enforcement of this Chapter and shall perform this service in such a manner as to protect the environment and preserve our natural resources.

Sec. 22-2. Authority.

- a. The Ceity ~~M~~anager or designee may make such rules and regulations not inconsistent with this Cehapter as she/he deems advisable to safeguard the health and welfare of the citizens of the Ceity in the removal ~~of garbage, ashes and other refuse~~ Waste and Recyclables.
- b. It is the intention of this Cehapter that the Ceity Manager building inspections director or designee, shall be primarily responsible for the enforcement of the provisions of this Cehapter. However, the Ceounty health officer shall, in any case where she/he deems it advisable to act, have all the authority conferred by this Cehapter upon the building inspections director or his designated representative City Manager or designee, and any notice served for the purpose of this Cehapter by, or by authority of, the Ceounty health officer and any charge made by the Ceounty health officer in accordance with the provisions of this Cehapter shall be as valid as if made by the Ceity Manager or designee building inspections director.

Sec. 22-3. Definitions.

The following words, terms and phrases, when used in this Cehapter, shall have the meanings ascribed in this Ssection, except where the context clearly indicates a different meaning:

Ashes means residue resulting from the burning of wood, coal, coke, or other combustible material.

~~**Attached Business Unit** means a unit of two or more business offices constructed as one unit, such as a dental office, medical office, insurance office or any other business in which the major activity is providing a service or is clerical in nature and does not in itself produce a product.~~

Backdoor Service means the Collection of Household Waste and Recyclables at Units from a location next to or near outside the user's backdoor as a result of qualifying for such services due to Physical Disability.~~**Automated Refuse Container** means any automated refuse container owned by the city and provided for the collection of wet and dry garbage, or other materials as defined in the city program. This includes, but is not limited to, both rollout and stationary refuse containers.~~

Building Material means ~~lumber, brick, stone dirt, carpet, plumbing materials, plaster, concrete, floor coverings, pool liners, roofing material, gutters, and other materials or substances accumulated as a result of new construction, repairs, remodeling, or additions to existing structures or accessory structures, or demolition of such.~~

Bulk ~~trash~~ Waste means items too large to fit into a Rollout Cart~~n automated refuse container~~, such as large household furnishings, mattresses, box springs, dismantled swing sets with concrete removed, clothesline poles with concrete removed, lawn equipment (e.g., mowers, wheelbarrows), appliances and similar large household items.

City means the political subdivision of the City of Fayetteville, North Carolina.

~~**Bulk Yard Waste** means any uncontainerized yard waste as defined in this section that is longer than three feet in length or greater than three inches in diameter or greater than 50 pounds in weight that must be scheduled for a special pickup with the solid waste management department.~~

City Manager means the person designated by the City Council to perform duties and responsibilities as chief executive officer for the City.

Collection means the act of removing Household Waste, Recyclables, Yard Waste, Bulk Waste, Household Construction Debris, Small Limb Waste and/or Large Limb Waste from an acceptable Curbside placement or Backdoor Service to an approved processing and/or disposal site.~~solid waste from a point of generation to an approved disposal site.~~

Collection on Private Property means the act of removing ~~Wsolid w~~aste from private developments for an additional fee from a point of generation to an approved disposal site. Collection shall be made at a mutually established location approved by the ~~property manager and the solid waste director~~City Manager or designee for manual and/or automated Collection.

Compliant Load means a load of collectable items or materials that is in accordance with this Chapter and the standards for Collection as determined by the City or contracted vendor.

~~**Construction Debris (Household)** means lumber, carpet, plumbing materials, floor coverings, pool liners, roofing material, gutters, and other materials or substances accumulated as a result of new construction, repairs, remodeling, or additions to existing residential structures or accessory structures, or demolition of such.~~

~~**Construction/Demolition Debris Landfill** means a sanitary landfill that is limited to receiving large stumps, concrete, brick, treated wood and uncontaminated earth.~~

Curbside means ~~the area between the street and the private property line. the line or edging along a street bordered by the street that forms part of the gutter. May also be referred to as curbside.~~

~~**Environmental Services** means the department and personnel responsible for the administration, operation and daily activities encompassing the collection of all refuse, solid waste, and other materials as provided in this section on behalf of the city, both now and as hereinafter designated.~~

Fee Schedule means the list of fees approved by the City Council.

Foul Odors means offensive odors emanating from, but not limited to W, solid waste.

Garbage, Dry Household Waste means the accumulation of any non-recyclable articles from households ~~or businesses~~, such as garbage, trash, discarded clothing, toys, small appliances, sweepings, rags, packaging materials, animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food, including a minimum amount of liquid necessarily incident thereto. Household Waste does not mean waste that ~~which~~ is associated ~~with the operation of stores or offices, but not associated~~ with the production, distribution, warehousing, construction or manufacturing of a product. Household Waste may be collected from Residential Units and Single Business Units.

Hazardous Waste means potentially dangerous byproducts of our highly industrialized society which cannot be handled, treated or disposed of without special precautions. It includes, but is not limited to, ignitable, corrosive, reactive and toxic waste such as acetone, gasoline and industrial alcohol, alkaline cleaners, acids, cyanide and chlorine, arsenic, pesticide wastes, paint, caustics, infected material, offal, fecal matter (human and animal) and explosives. For the purposes of this Chapter, this definition has been condensed from the definition as published in the North Carolina Hazardous Waste Management Law, adopted for the Federal Environmental Protection Agency (EPA). The terms defined are not inclusive of all items specified by Environmental Protection Agency regulations. the following explanation of hazardous waste as published in the North Carolina Hazardous Waste Management Law, adopted for the Federal Environmental Protection Agency (EPA). For the purposes of this chapter, the definition "hazardous waste" has been condensed. The terms defined are not inclusive of all items specified by Environmental Protection Agency regulations. The term "hazardous waste" is defined as potentially dangerous byproducts of our highly industrialized society which cannot be handled, treated or disposed of without special precautions. It includes, but is not limited to, ignitable, corrosive, reactive and toxic waste such as acetone, gasoline and industrial alcohol, alkaline cleaners, acids, cyanide and chlorine, arsenic, pesticide wastes, paint, caustics, infected material, offal, fecal matter (human and animal) and explosives.

Building Material Household Construction Debris means lumber, brick, stone carpet, plumbing materials, plaster, concrete, floor coverings, pool liners, roofing material, gutters, and other materials or substances accumulated as a result of new construction, repairs, remodeling, or additions to existing residential structures or accessory structures, or demolition of such.

Industrial Waste means all waste, including solids, semisolids, sludge and liquids created by factories, processing plants or other manufacturing enterprises.

Garbage, Wet means ~~animal and vegetable refuse resulting from the handling, preparation, cooking and consumption of food, including a minimum amount of liquid necessarily incident thereto.~~

~~**Hazardous Waste** means the following explanation of hazardous waste as published in the North Carolina Hazardous Waste Management Law, adopted for the Federal Environmental Protection Agency (EPA). For the purposes of this chapter, the definition "hazardous waste" has been condensed. The terms defined are not inclusive of all items specified by Environmental Protection Agency regulations. The term "hazardous waste" is defined as potentially dangerous byproducts of our highly industrialized society which cannot be handled, treated or disposed of without special precautions. It includes, but is not limited to, ignitable, corrosive, reactive and toxic waste such as acetone, gasoline and industrial alcohol, alkaline cleaners, acids, cyanide and chlorine, arsenic, pesticide wastes, paint, caustics, infected material, offal, fecal matter (human and animal) and explosives.~~

~~**Industrial Waste** means all waste, including solids, semisolids, sludge and liquids created by factories, processing plants or other manufacturing enterprises.~~

Inert Debris means solid waste that is composed of material that exhibits nonleaching characteristics such as uncontaminated soils, concrete, brick, concrete block, gravel and rock, and untreated and unpainted wood.

Infectious Waste means a solid waste capable of producing an infectious disease. Examples of waste designated as infectious are: Microbiological waste, pathological waste, blood products, improperly packaged sharps and all other waste as defined in the Medical Waste Management Regulation under 15A NCAC 13B.1200 in North Carolina Solid Waste Management Rules.

Bulk Yard Large Limb Waste means any uncontainerized yard waste limbs longer than three (3) feet in length, greater than three (3) inches in diameter, or greater than 50 pounds in weight but less than five (5) feet in length, less than six (6) inches in diameter and that does not exceed 20 cubic yards. as defined in this section that is longer than three feet in length or greater than three inches in diameter or greater than 50 pounds in weight that must be scheduled for a special pickup with the solid waste management department.

Litter means any discarded manmade materials including, but not limited to, solid waste materials, industrial materials, household trash, business trash, building materials, scrap materials and hazardous waste as such terms are defined in this chapter and not properly containerized or prepared for collection and disposal.

Multifamily Residential Unit Community means any community that is not subject to a Solid Waste User Fee and that is not designated by the Cumberland County Tax Office as a single-family residence, including but not limited to, apartments, townhouses, condominiums, public housing communities and mobile home parks with more than seven (7) units per parcel.

means two or more single-family dwellings constructed as one unit, such as apartment houses, motels, mobile home parks, townhouses, patio houses or condominiums. Duplexes/triplexes built on public streets are not considered multifamily residential units.
Non-Compliant Load means a load of materials that is not properly set out for collection in accordance with Section 22-10 of this Chapter. ode and the standards for collection as determined by the City of Fayetteville or contracted vendor.

Physical Disability means a medical condition, hardship or age, verified by a registered physician, that makes an individual physically unable to bring a ~~automated refuse container~~ Rollout Cart to the ~~curbside~~ Curbside for collection, and ~~where~~ there is no one else residing in the household capable of taking the ~~containers~~ Rollout Cart to the ~~curbside~~ Curbside.

Premises means ~~lots, sidewalks, rights-of-way, grass strips, or curbs up to the edge of the pavement of any public street.~~

Private Street means a street not open to public use, on private property, not accepted by the City, and not maintained by any governmental agency.

Private Property means all of that property as described and set out in an owner's deed including, but not limited to, yards, grounds, driveways, entrances or passageways, parking areas, storage areas, vacant land, bodies of water and including sidewalks, grass strips, one-half of alleys, Curbside or rights-of-way up to the edge of the pavement of any public street or body of water.

Properly Containerized means stored in accordance with the provisions of ~~section 22-9 of this~~ Chapter.

Properly Disposed means disposed of in accordance with the provisions of this Cchapter.

Public Right-of-Way means land that is dedicated or otherwise legally established for public use.

~~**Environmental**~~**Public Services Department** means the department and personnel responsible for the administration, operation and daily activities encompassing the collection of all Household Waste, Yard Waste, Bulk Waste, Small Limb Waste, Large Limb Waste, and Household Construction Debris, and may include other materials that result from a Non-Compliant Load. refuse, solid waste, and other materials as provided in this section on behalf of the city, both now and as hereinafter designated.

Recyclables means items included in the City's—local approved recycling programs ~~that includes~~including; but not limited to, selected glass, newsprint and accompanying inserts, magazines, aluminum, corrugated cardboard boxes, plastic containers with recycle triangle markings 1 through 5 (or other approved recycling based on the Material Recovery Facility (MRF) and other items determined to be recyclable by the City Manager or designee.~~cardboard and other items determined to be recyclable by the solid waste director.~~

~~**Refuse** means the accumulation of any solid waste.~~

Residential Units means for the purposes of this chapter shall mean a parcel of land with seven (7) or less residential properties, that is~~which are~~ subject to the Solid Waste User Fee.

Rollout CartRefuse Container means any City-provided~~approved~~ green, brown or blue container or receptacle~~cart with wheels, of an approximate capacity of 96 gallons—specific color, and constructed so that the cart~~container can be emptied mechanically by means of an automated loading device as equipped on a Solid Waste~~Solid Waste Division Collection vehicles for the purpose of C~~ollection of Household~~solid W~~aste, Recyclables and/or Yard Waste.~~means any city-approved container or receptacle of an approximate capacity of~~

~~90 gallons, and constructed so that the container can be emptied mechanically by means of an automated loading device as equipped on refuse vehicles for the purpose of collection of solid waste.~~

Sanitary Landfill ~~means a facility for the disposal of solid waste on land in a sanitary manner in accordance with the North Carolina Solid Waste Management Rules.~~

Single Business Unit means a Residential Unit in which a business is operated, that generates no more Household Waste Garbage/Refuse/Solid Waste per week than can be placed or stored in a maximum of two (2) Rollout Cartss totaling a combined capacity of no more- than 192 gallons when accumulated between Collections,~~eeollections,~~ such as a dental office, medical office, insurance office or any other business in which the major activity is providing a service or is clerical in nature and does not in itself produce a product.~~means any single nonresidential unit that generates no more garbage per week than can be placed or stored in a maximum of two automated containers totaling a combined capacity of no more than 180 gallons when accumulated between collection, such as a dental office, medical office, insurance office or any other business in which the major activity is providing a service or is clerical in nature and does not in itself produce a product.~~

Single Family Residential Unit ~~means any dwelling place occupied by one family and not defined as a multifamily residential unit.~~

Small Limb Waste means limbs that can fit into a City-issued brown or green Rollout Cart, a 32 gallon trash can, plastic bag household or yard waste cart or any bundled small limbs that, when combined in a pile or stack, is not longer than three (3) feet in length, not greater than three (3) feet in width, not greater than three (3) inches in diameter, and not greater than 50 pounds in weight.

Solid Waste means the Division and personnel within the Public Services Department responsible for the administration, operation and daily activities encompassing the collection of all Household Waste, refuse, solid waste, Recyclables, Yard Waste, Bulk Waste, Small Limb Waste, Large Limb Waste, Household Construction Debris and Demolition materials, and other materials as provided in this Chapter, on behalf of the City, both now and as hereinafter designated.

Solid Waste Fee Schedule means the current list of Solid Waste Division fees and penalties as adopted by the City Council.

Solid Waste User Fee means the fee that the City includes on County tax bills for the services the Solid Waste Division provides to Residential Units and Single Business Units.

Solid Waste means accumulations consisting of any combination of business trash, wet or dry garbage, household trash, bulk items, yard waste and recyclables.

Solid Waste Director means the person designated by the city manager to perform duties and responsibilities assigned by this chapter to the solid waste director as department head over the solid waste management department.

Stationary Waste Container means any City-approved non-moving dumpster or container of a minimum capacity of two (2) cubic yards and having a maximum capacity of eight (8) cubic yards, made of watertight construction, and constructed so that the container can be emptied mechanically by means of a front loading refuse vehicle used for the purpose of collection. means any city approved container of a minimum capacity of six cubic yards and having a maximum capacity of eight cubic yards, made of watertight construction, and constructed so that the container can be emptied mechanically by means of a front loading refuse vehicle used for the purpose of collection. Some stationary containers may also be referred to as "toddies".

Stationary Recycling Container means any City-approved non-moving stationary container or receptacle, which may contain a packing mechanism and an internal or external power unit used for the purpose of collection of Recyclables or recyclable materials as defined in the local approved recycling program. means any city approved stationary container or receptacle, which may contain a packing mechanism and an internal or external power unit used for the purpose of collection of recyclable materials as defined in the local approved recycling program.

Stationary Refuse Container means any city approved stationary container or receptacle used for the purpose of collection of wet and dry garbage, or other solid waste as defined within the city's solid waste program.

Undeveloped Lot means a lot with no buildings or not otherwise developed for residential, commercial, recreational or governmental use.

Unit means a Residential Unit and one single family residence or an individual apartment, Single Business Unit.

~~motel, mobile home, townhouse, patio house, condominium, cluster home in a multifamily residence, unless otherwise specified by the city.~~

~~**Verified Violation** means a violation of any section of Chapter 22 of this Code this Chapter as determined by a planning and Code Enforcement Services official and/or Solid Waste Division official. the City Manager or designee. means a violation of subsections a.3, a.4, a.6. and c of Section 22-16 as determined by a planning and code enforcement services official.~~

Wastes means all useless, unwanted or discarded materials resulting from industrial, commercial, agricultural and residential activities.

Yard Waste means grass, weeds, leaves, tree trimmings, plants, shrubbery pruning, Small Limb Waste and such other similar materials which are generated in the maintenance of yards and gardens, and which are collected separately from other Household solid Wwaste and Recyclables, materials, and placed at the Ceurbside for Ceollection.

~~means grass, weeds, leaves, tree trimmings, plants, shrubbery pruning, and such other similar materials which are generated in the maintenance of yards and gardens, and which are collected separately from other solid waste materials, and placed at the curbside for collection.~~

Cross reference— Definitions generally, § 1-2.

Sec. 22-4. Ownership of Materials.

~~All All Household solid Wwaste, Garbage, Trash, Recyclables, Yard Waste, yard wastes, Bulk Waste, Large Limb Wastes, Small Limb Waste, Household Construction Debris and Demolition Materials and similar related-items, that are properly containerized and placed by an owner or occupant of a property at Curbside for Ceollection, are deemed to be the property of such person until such time that the City or its authorized agent collects the set-out materials. solid waste, wet and dry garbage, recyclable materials, yard wastes, bulk trash, large appliances and similar related items, which are properly containerized and placed by an owner or occupant of a property at curbside for collection, are deemed to be abandoned by such person and become the property of the city or its authorized agent.~~

State law reference— Regulation of the placing of trash, refusewaste and garbage within municipal limits, G.S. 160A-303.1 et seq.

Sec. 22-5. Solid Waste Rollout Carts, Cans and Containers Generally.

a. Requirements. All Rollout -Carts must meet all design and capacity requirements as defined in this Section. Any variations of Rollout -Carts or -Sstationary Ceontainers, in types, styles, designs, etc., must be reviewed and approved by the City Manager or designee. All eligible households-Residential Units and Ssingle-Bbusiness Units shall use only City-provided-approved Rollout Carts eontainers for all -solid wasteHousehold Waste removal by the City. Recyclables shall be collected only from City-provided approximately 96-gallon Rollout Carts for Collection of Recyclables. No Recyclables shall be collected from Rollout Carts designated for the disposal of Household Waste or Yard Waste. The following provisions shall be complied with:

1. Automated Rrollout Cart Collection System. The City shall provide two (2) 96-gallon (approximate) rollout containersRollout Carts, one for householdHousehold Waste and one for recyclingRecyclables, where the automated system is in use for the Ceollection. of Solid Waste, Garbage, and recyclables. One of these container shall be dedicated for Recyclables

~~collection. Should this not be sufficient storage between Ceollections, the userresident or business may purchase two (2) for refuse purposes from the Cityadditional Household Waste Rollout Carts Cart from the City. Until such time as the City obtains and delivers such Rollout Carts, such persons shall cause all Household Waste, to be placed in watertight containers manufactured for Household Waste containerization. Household Waste cans shall not weigh more than 50 pounds. for Household Waste only for a max number of two Household Waste Carts The City will repair no more than two Household carts per resident.~~

2. ~~Excess Amounts. Single Business Unit~~ses generating in excess of 192 gallons per week of Solid WasteHousehold Waste, Trash, and/or Garbage must provide a Sstationary refuseWaste Ceontainer for service by a ~~by the solid waste management department or private hauler.~~ Variations must be approved by the Public Services Department Director or designee. ~~Automated containersRollout Carts for Yard Waste may be purchased by the userthe resident from the Solid WasteSolid Waste Division for the published fee. All residents that purchased 96-gallon carts prior to them being issued by the city may use both 96-gallon carts to recycling. No additional carts may be purchased for residents who only have one 96-gallon cart.~~

3. ~~Yard Waste Non-Automated Collection System. All households and businesses Residential Units and Single Business Units not part of the automated rollout collection system that have not purchased a City--issued Yyard Wwaste Rollout Cart Cart shall provide provide an alternative City-approvedapproved canontainers for all Yyard Wwaste for removal by the City. GarbageThe can secontainers shall have a capacity of no more than 32 gallons. The following provisions applyshall be complied with:~~

a. ~~Cans shall be made substantially of metal or plastic. Cans shall have tight-fitting covers and strong handles, and the covers shall be kept on at all times except when cans are being filled or emptied.~~

b. ~~Plastic bags used to containerize Yard Waste shall be constructed from film made from high quality polyethylene or a similar product. Bags shall withstand normal service handling when filled to a maximum weight of 50 pounds when securely closed.~~

c. ~~Cans provided by the user for Yard Waste shall not weigh more than 50 pounds.~~

~~Containers shall be canPlastic bags may be used as approved containers for household Solid Waste collection by City forces and shall be properly secured at the bag opening with a twist tie or other secure means to eliminate any spillage oPlastic bags to be used to containerize household materials shall be constructed from film made from high quality polyethylene or similar product. Bags shall withstand normal service handling when filled to a maximum weight of 50 pounds when securely closed.~~

b. ~~Identification. Where -Rollout Cartseontainers have been provided, the collection containersRollout Cart shall be -numbered by the Solid Waste Division so as to indicate the assigned dwelling using the particular Rollout Carteontainer. When the containers-Rollout Cart isare so identified, such containerit may be used only by the person whose assigned dwelling is shown thereon.~~

c. ~~Ownership of Rrollout Cartseontainers. The City shall retain ownership of Rrollout eontainersCarts which are initially provided for Ceollection services to the user. Such -containerRollout Carts shall not be removed from the original assigned property. Containers-Rollout Carts which require replacement as a result of user abuse and/or negligence will result in the user being charged a replacement fee as set forth in a separatethe Solid Waste Fee Sschedule. Any eontainers-Rollout Carts purchased by a~~

user, for purposes other than replacement of the City-issued container, shall become the property of the City.

- d. ~~Lost or Stolen damaged containers~~Rollout Carts. Any R~~ollout container~~Cart provided by the City which becomes lost or stolen through no fault of the user, or which is damaged through no fault of the user, shall be replaced by the City at no cost to the user. Any R~~ollout container~~Cart damaged by the placing of hot ashes or other toxic chemicals therein by the user, shall be replaced at the cost of the user, and ownership shall be retained by the City.
- e. ~~Unserviceable Rollout Cartseontainers~~. Any R~~ollout container~~Cart provided to the user at the City's expense that becomes unserviceable due to normal usage shall be replaced at the expense of the City, and ownership shall be retained by the City.
- f. ~~City-Owned Waste Receptacles~~. City-owned waste receptacles placed adjacent to City streets and in public places are for the exclusive use of the transient public, pedestrians and motorists, and City Solid Waste Division sweeper collectors. City-owned receptacles shall not be used by adjacent business enterprises or other privately owned establishments in lieu of the privately owned Stationary Containers they are required to furnish in accordance with this Chapter.
- g. ~~Missing or Damaged Rollout Carts~~. The City is not responsible for replacing missing or damaged non-City-owned and provided Rollout Carts. The City will repair no more than two (2) Rollout Carts per Unit.
- h. ~~Cleaning~~. No Rollout Cart or Stationary Container shall be cleaned on public property except under the supervision of the City Manager or designee, and no residual materials or Waste from the cleaning of Rollout Carts or Stationary Containers shall be allowed to drain into a public gutter, street, sidewalk, storm sewer, or into a constant flowing or intermittent flowing stream or stream bed.
- f. ~~Applicability~~. The provisions of subsections (b) through (e) of this section shall apply to containers whether they are being used by residential, multifamily dwelling, commercial, industrial, professional or governmental user.

Sec. 22-5.1. ~~Upsetting Public or Private Cans~~ Receptacles.

No person shall cause or permit the contents of ~~upset~~ a public or private receptacle designed for the deposit of Waste, Litter or Recyclables, ~~litter or cause or permit its contents~~ to be deposited or strewn in or upon public or private property. ~~Violation of this section shall result in a \$100.00 civil penalty.~~

Sec. 22-6. Containers Used for Apartment Buildings, Public Housing Complexes and Multi-Story Condominiums.

- a. In any Multifamily Community where the total number of living units is eight (8) or more per parcel, each building and/or group of buildings shall be furnished by the developer with a sufficient number of commercial centralized Stationary Ceontainers to ~~in sufficient number to~~ adequately contain the ~~garbage and refuse~~Waste disposal at such locations. The City Manager or designee shall review and approve the type of centralized Sstationary Ceontainer and the locations of those containers where overhead or lateral restrictions may pose collection service problems.
- b. The location of such containers shall be subject to the approval of the City Manager or designee ~~and/or the planning staff~~, and in no case shall a centralized Stationary Container be located closer than 25

feet to a structure, automobile parking space, or any other permanent fixture on the property. In addition, a 15-foot overhead clearance for the centralized Stationary Container shall be provided and maintained at all times.

- c. In any Multifamily Community where the total number of living units is more than 16 within the development, each building and/or group of buildings shall have a centralized Stationary Ceontainer system. This type of ~~solid waste~~ Waste collection system shall be provided and maintained by the developer. Screens or other devices with the intended purpose of blocking the view of ~~Solid Waste~~ Stationary Ceontainers shall be aesthetically pleasing. The type of centralized Sstationary Ceontainer and, where applicable, the design of the enclosures to screen the Ceontainers, is subject to the approval of the City Manager or designee-. Where centralized Stationary Containers are used, locations to permit safe and convenient access are required. The location of the Stationary Container shall be placed in a manner as to allow the service vehicle operator to service the ceontainer, backup, and depart without having to exit the vehicle or make unnecessary maneuvers, or require disproportionate time. Excessive walking distances for tenants and occupants should be reasonably minimized. ~~Approval for solid waste collection by the City will not be made-~~ If safe and reasonable access is denied due to ~~by~~ gates, fixed objects, low hanging wires or other obstructions, the Stationary Container will not be approved.-;
- d. In the case of any Multifamily Community, as previously described, where the total number of living units is 16 or fewer within the development and each living unit has a separate ground level entrance, each living unit shall be provided, by the private hauler, a can/receptacle similar to a R~~ollout~~ Carteontainer for ~~solid waste~~ Waste collection service.
- e. Any variations from the above standards requires approval from the City Manager or designee.
- f. Any Stationary Containers, placed into service after the effective date of the ordinance from which this Chapter is derived, which have side openings shall be equipped at the property owner's expense with locking devices for such side openings.

Sec. 22-7. Commercial, Industrial, Professional and Governmental Establishments.

The owner, operator, proprietor, on-site supervisor of any buildings, structures or areas in the City used or occupied as commercial, industrial, professional, governmental or private establishments to include, but not necessarily limited to, restaurants, hotels, motels, trailers, shopping centers, stores, shops, drive-in facilities, theaters, recreation or amusement enterprises and multiple or single dwelling places of all types and any governmental buildings or offices, yards, grounds or industrial type sites wherein ~~garbage-~~Waste accumulates, shall provide and maintain Stationary Ceontainers, as required by the Solid Waste Division, -of sufficient capacity, to accommodate the user in some convenient place so as to be easily and readily emptied or removed ~~by the solid waste division~~. The location of such Ceontainers shall be subject to the approval of the City Manager or designee. S tationary Ceontainers shall be located in such a manner as to be available for pickup at any time during the 24-hour day. ~~If at any time a stationary container is unavailable for pickup due to its location or due to parked cars or other obstacles, there may be an additional charge for each extra trip required to pick up such container in accordance with section 22-25. Into such containers shall be daily deposited all such garbage as shall accumulate in or be upon the property.~~ All Waste accumulated on the property shall be deposited into such Containers daily.

Sec. 22-8. ~~Variance~~Exemption.

The owner, operator, proprietor or on-site supervisor of any buildings, structures or areas in the City that is required by this Chapter to provide the Sstationary Ceontainers may apply to the City Manager or designee for an exemption from these requirements. An exemption shall be granted by the City Manager or designee only upon a finding that due toif the en-the physical location, terrain, or other environmental conditions for, the serviceable area for the removal of solid waste Waste is not conducive forto -Sstationary Ceontainers, or is unsafe for the movement of City solid waste trucks. Upon this finding, the City Manager or designee is authorized to provide the applicant with Ceurbssideside or other suitable arrangements for the removal of solid waste Waste. .

Sec. 22-9. ~~Maintenance of Containers~~Reserved.

- a. ~~Garbage, scraps, perishable refuse, wet waste, organic matter, or other solid waste subject to an odorous decay shall be placed in garbage containers conveniently situated for collection by the city solid waste department. It shall be unlawful to scatter any solid waste over any premises in the city. All wastes deposited in a prescribed, approved solid waste container will be accepted by solid waste department employees for disposal.~~
- b. ~~No container shall be cleaned on public property except that under supervision of the solid waste director or designee, and no residual materials or refuse from the cleaning of solid waste containers shall be allowed to drain into a public gutter, street, sidewalk or storm sewer or into a constant flowing or intermittent flowing stream or stream bed.~~
- c. ~~Recyclable material shall be collected only from city approved recycle carts for collection of recyclables. No recyclable material shall be collected from carts designated for the disposal of solid waste or yard debris.~~

Sec. 22-10. Collection Routes, Schedules and Pickup of ~~Rollout Refuse Containers~~Household Waste and Other Materials by City.

FTThe City Manager or designee shall establish Collection routes and schedules and may alter these routes and schedules from time to time. The City Manager or designee may also establish, and revise from time to time, a policy relating to the number of times per week the City will collect Household Waste from Residential Units and the maximum number of Solid WasteRollout Carts the City will service on any parcel. No owner or occupant of any property shall prohibit or prevent the City from providing services at the property at the prescribed periodic Collection rate. When scheduling a pickup service for Non-Compliant Loads, Household Construction Debris, and move-outs, etc., the user should contact the Solid Waste Division.

1. City-served Curbside Collection services will be provided to Units, on a day designated for Ceollection by the City Manager or designee. Solid WasteHousehold Waste shall be placed at the Curbside no earlier than the day before the scheduled Collection.
2. Special Collection services for users~~the~~ with a P~~hysically D~~isability~~ed~~ shall be available as outlined under the Solid Waste Division policy. Anyone who is unable, because of a Physical Disability~~p~~, hardship, age, or handicap, to roll a Rollout Cart to the Curbside may receive B~~ackdoor S~~ervice at no cost, upon approval by the City Manager or designee, who may require additional documentation including, but not limited to, a doctor's certificate as proof thereof; provided there is no one else living in the home that can push the Rollout Carts to the ~~cart~~ Ceurbsside.

3. [Reserved.]

4. ~~n order to collect~~For the Collection of ~~Solid Waste~~Household Waste, the owner or occupant of each Unit shall place all ~~Solid Waste~~Household Waste in approved Rollout Carts and place such containers within one foot of the Curbside or edge of the pavement and a minimum of four (4) feet from anything which may interfere with Collection on the day scheduled for Collection prior to 6:00 a.m. If more than one (1) Rollout Container is placed at the Curbside, the owner or occupant shall ~~ass~~ensure a spacing of at least four (4) feet from other Rollout Carts and objects. Public notice shall be given of any change of Collection day. City Collection personnel shall not provide service if denied reasonable access by parked vehicles, equipment, fixed objects, low hanging wires or other obstructions. The following rules shall apply for the removal of ~~solid waste~~Household Waste:

a. No wooden boxes, barrels, or any other wooden receptacle, or any other receptacles except approved receptacles shall be used for Collection of Household Waste, Yard Waste, or Recyclables.

b. For the purpose of Collection, placement of Rollout Carts will be at ground level, and the use of underground receptacles will not be permitted.

5. Collection of ~~Solid Waste~~Household Waste and other materials ~~collection~~begins at 6:00 a.m. and containers not available for Ceollection on the scheduled day will not be collected until the next regularly scheduled day. Rollout CartsContainers shall be removed from the Curbside the day that they are serviced and shall not be stored in front of a dwelling or commercial establishment, or otherwise in front of the building, closest to the street. Any variations from these requirements requires the approval of the City Manager or designee. Failure to remove the Rollout Carteontainer from the Curbside the day that itthe container is serviced is ~~deemed~~ in a violation of this Ssection, which shall result in the following:

a. As a result of a first and second violation, written warning of such violation shall be issued to the owner, occupant, lessor, lessee, or person in charge of the property where the Rollout Carteontainer is located, with no monetary penalty being imposed;

b. Any third or subsequent violations shall subject the offender to a citation and civil penalty based on the Solid Waste Fee Schedule. Such civil penalty shall be recovered by the City in a civil action in the nature of a debt if the offender does not pay the penalty within the time prescribed in the citation notice. ~~in subsection (c) of this section.~~

~~— In the case of a third or subsequent violation of this section, a written citation shall be issued to the owners, occupant, lessor, lessee or person in charge of the premises where the containers are located, stating the amount of the penalty and that the penalty is to be paid to the Finance Department Director, City Hall, 433 Hay Street, Fayetteville, North Carolina, within five (5) days. If the penalty is not paid within the time prescribed, the City may initiate a civil action in the nature of a debt and recover the sum of the penalty plus the costs of the action~~

c. Once a citation is issued, ~~e~~Each and every day's violation of the cited offense ~~any provision of this section after the second violation~~ shall constitute a separate and distinct offense.

6. The City Manager or designee shall determine that area considered to be the Curbside as it relates to the ~~refuse~~ Waste Collection pickup point.
7. Spilled materials or overflow not caused by City Collection crews shall be cleaned up immediately after such spillage or overflow by the property owner or occupant. Spilled ~~solid waste~~ Household Waste materials caused by City Collection crews shall be cleaned up immediately after such spillage occurs by such crew.
8. Recyclables containerization requirements and Collection services.
 - a. ~~ollection of Recycling shall be provided to single-family residential units upon request~~The City Manager or designee shall have the authority to determine the manner, method, and timeframe for Ceollection of ~~Large Limb waste~~ Recyclables. Collection of Recyclables ~~collection~~ shall be provided to all eligible Units.
 - b. The Solid Waste Division will supply one (1) blue, 96-gallon Rollout Cart~~ontainer~~ to provide the user~~household~~ with the ability to ~~store~~ Recyclables for a bi-weekly ~~Ceollection~~ service at the Curbside. The Recyclables Rollout Cart~~ontainer~~ shall be set out before 6:00 ~~AM~~-a.m. on the scheduled day of pickup and rolled back per the requirements of other Rollout Cart~~ontainers~~.
 - c. Users~~Households~~ are encouraged to place clean and dry Recyclables into the Rollout Cart~~ontainer~~ and to break down corrugated containers before placing them in the Rollout Cart~~ontainer~~.
 - d. ~~A~~Recyclables must be inside the Rollout Cart~~ontainer~~. If the user~~household~~ has oversized corrugated boxes that do not fit in the Rollout Cart~~ontainer~~, those corrugated boxes, also broken down tied or taped, may be placed next to the Rollout Cart~~ontainer~~ for Ceollection by the City or its designated contractor.
 - e. Approved R~~ecyclables~~ are subject to change based on~~ff~~ the Material Recovery Facility contracted by the City to receive Recyclables~~recycling~~ from the City.
9. Yard W~~aste~~ containerization requirements and Ceollection~~-services and Large Small Limb collection services requirements~~.
 - a. Yard Waste Ceollection shall be provided only to Units as approved by the City Manager or designee.
 - b. Yard Waste shall be separated from all other ~~refuse~~ Waste prior to Ceollection. The City shall collect Y~~ard W~~aste that is customarily and reasonably associated with the U~~n~~it served so long as it is properly prepared or containerized and in compliance with these regulations. Yard Waste shall be placed within four (4) feet of the Curbside for Collection by the City.
 1. Grass clippings, small shrubbery clippings, leaves, and other small lawn and Yard Waste debris shall be collected at the Curbside provided that they are placed in plastic bags, ~~or other~~ an approved can~~ontainers~~ for Ceollection, or a Rollout Cart~~ontainers~~ that is~~may be~~ purchased from or provided by the City. If plastic bags are used, such bags shall be in good condition, and of such size and weight that, when full, do not weigh more than 50 pounds each, and are such that one individual can pick up

each bag one at a time for disposal. The plastic bags shall be secured at the top when placed at Curbside for Ceollection. For each Collection day, at the maximum-number of eighteen (108) Rollout Cartsonainers, plastic bags, and approved cansontainers in total can be set out at the Curbside for weekly Ceollection.

2. Loose Yard Waste comprised of branches and twigs are to be tied into bundles weighing no more than 50 pounds, be no longer than ~~three~~ ~~four~~ ~~three (4)~~ (3) feet in length, three (3) feet in width, and the branches must not be ~~no~~ larger than three (3) inches in diameter. A maximum of four (4) bundles can be placed at the Curbside for any weekly Ceollection.
3. Other approved cansontainers used for Yard Waste that are ~~to be~~ provided by the userhousehold shall be made of metal or plastic, have tight-fitting lids, be made for Solid Waste disposal, equipped with strong handles, and shall not exceed 32 gallons in size or 50 pounds in weight when lifted by one person.
4. The Parks & Recreation Department is responsible for the collection of un-containerized leaves and pine straw placed at the Ceurbside. One free collection is scheduled by the Parks & Recreation Department between November and January according to the street's zip code. Additional un-containerized leaves and pine straw can also be collected at different times by making arrangements with the Parks & Recreation Department and paying the fees pursuant to a fee schedule approved and authorized by the City Council.

10. Large Limb Waste set out and eCollection requirements.

- a. *Large Limb Ceollection.* Collection of un-containerized Large Limb ~~yard W~~waste shall be provided to Uunits that pay the Solid Waste Fee upon request. The City Manager or designee shall have the authority to determine the manner, method, and timeframe for Ceollection of Large Limb Wwaste. Large Limb Wastes to be collected by the City ~~only on a scheduled basis and~~ shall contain limbs no- longer than five (5) feet in length and ~~or~~ not greater than six (6) inches in diameter, and a pile no more than ~~under~~ 2010 cubic yardsCY and must be placed in an orderly manner at the Ceurbside at least four (4) feet away from all other objects. ~~containers set out by the household. Any items that will not fit in containers must be scheduled for a special pick up at least seven (7) days in advance.~~ Scheduled aArrangements must be made with the Solid Waste Division for special pickup of materials over 2010 cubic yardsCY. ~~longer than three (3) feet in length, and/or larger than three (3) inches in diameter, and/or greater than 50 pounds in weight as provided in subsection 22-10(10).~~ A fee as provided in the Solid Waste -Fee Schedule will be charged for this service as approved by the City Council. Payment must be made in advance of having the service provided. Any non-scheduled Curbside placement of Large Limb Wastes piles over 2010 —cubic yards CY set out without ~~not scheduled~~ will be treated as illegal dumping and subject to illegal dumping violations and fines, and shall be considered creation of an unlawful condition upon the property subject to abatement under the provisions of sections 22-16 through 22-21a Non-Compliant Load and subject to abatement in accordance with this Chapter.

b. Additional requirements for Large Limb Waste Collection~~pickup~~:

1. Those properties participating in the "farm use program" as listed by the Cumberland County Tax Administrator's Office shall not qualify for bulky tree and Large Limb Waste Collection~~removal service~~;
- ~~— The Solid Waste Division shall not collect any Large Limb materials longer than five (5) feet in length or greater than six (6) inches in diameter;~~
2. Solid Waste Division shall in no case collect Yard Waste and or Large Limb Waste ~~debris~~ generated by a contractor or person other than the owner or occupant of a Unit;
3. The City shall not provide Collection ~~allow pickup~~ services for vacant lots (this is considered land clearing);
4. It shall be unlawful for any person to place Large Limb Waste and tree debris in a manner that ~~so~~ obstructs traffic or is piled over three (3) feet high.
5. It shall be unlawful for any person to place tree and Large Limb Waste~~debris~~ under trees, ~~or~~ near mailboxes and utility boxes, or other objects;
6. It shall be unlawful for any person to place tree and Large Limb Waste ~~debris~~ in a place that would obstruct overhead power lines;
7. The Solid Waste Division shall have the authority to take several days to collect excessive loads, based upon other work commitments.
- ~~— The Solid Waste Division shall charge a fee as set forth in a separate schedule approved by the City Council for Large Limb yard waste that generates either a full truck load of debris or over 20 cubic yards of debris.~~
- ~~— Those properties in the Cumberland County's Farm Use Program and vacant or abandoned lots shall not qualify for bulk yard waste collection.~~
8. Items are to be placed at the Ceurbside the day before the scheduled Collection day.

11. Bulk Waste C~~set out~~ and collection requirements.

- a. Collection of Bulky W~~aste~~ shall be provided to -Units~~who pay the Solid Waste User Fee~~. The Public Services Department Director or designee shall have the authority to determine the manner, method, and timeframe for C~~ollection~~ of Bulky W~~aste~~. ~~must be called in and scheduled at least seven (7) days in advance with the Solid Waste Division.~~ Each C~~ompliant~~ B~~ulky~~ Waste load cannot contain more than ~~be for a maximum of five (5) items. per request and each Residential Unit will be eligible for a maximum of four (4) such requests per year.~~ Requests for the Collection of more than five (5) items will be subject to a service fee in accordance with the current Solid Waste F~~ee~~ S~~chedule~~. Payment must be made in advance of having the service provided. Items are to be placed at the Ceurbside the day before scheduled Collection day for that week. Non-C~~ompliant~~ L~~oads~~ Items at the Curbside that are not scheduled and paid for are considered a Non-Compliant Load and subject to abatement in

accordance with this Chapter. illegally dumped and shall be considered a creation of an unlawful condition upon the property subject to abatement under the provisions of sections 22-16 through 22-21.

b. Additional requirements for Bulk Waste Collection pickup:

1. Notification and payment must be made to the Solid Waste Division in order prior to the scheduled curbside collection day for Solid Waste Household Waste. to schedule a Collection of Non-Compliant Loads of Bulky Waste loads.

Appliances shall be placed to the curb by 6:00 a.m. on the collection day from the home from which the appliance was removed in order to assure pick up.

2. Appliances shall be emptied of their contents.

3. Refrigerator and freezer doors must be removed or secured to prevent entry by small children.

City Collection personnel shall not provide services if denied reasonable access by parked vehicles, equipment, fixed objects, low hanging wires or other obstructions.

4.

6. Appliances shall not be collected from any Unit engaged in the repair or resale of appliances. provided notification is made to the Solid Waste Division prior to the scheduled curbside collection day for bulk trash and under the following conditions:

5.

6. Bulk Waste shall be placed at to the Ceurbside by 6:00 a.m. on the Collection day of the week to asensure Collection. pickup.

7. Bulk Waste must be separated from all other Wasteeontainerized prior to Ceollection.

8. All glass in windows, doors, mirrors and other items with large expanses of glass must have the glass removed and where practicable placed in a City-approved Rollout Carteontainer for Ceollection.

9. All gasoline/fuel must be removed from all lawn equipment prior to Ceollection.

10. Oxygen tanks and other medical equipment, propane tanks, large oil tanks used for household purposes or batteries from any residentially used property, etc., shall not be collected by the City.

11. Furniture and/or mattresses shall be limited to five (5) pieces —limit per Ceollection.

12. Any Bulky Waste or other items not properly prepared for disposal as provided in this Section, and any items that exceed the size indicated by this Chapter, will not be collected by the Solid Waste Division.

~~Large Limb collection. Collection of uncontainerized Large Limb yard waste shall be provided to single family residential units upon request. The Solid Waste Division shall have the authority to determine the manner, method, and timeframe for collection of Large Limb yard waste. Large Limb yard waste collection shall be provided under the following conditions:~~

~~Notification must be made to the Solid Waste Division to schedule Large Limb yard waste collection at least seven (7) days in advance~~

~~The Solid Waste Division shall charge a fee as set forth in a separate schedule approved by the City Council for Large Limb yard waste that generates either a full truck load of debris or over 20 cubic yards of debris;~~

~~Those properties in the Cumberland County's Farm Use Program and vacant or abandoned lots shall not qualify for bulk yard waste collection.~~

~~Items are to be placed at the curb the day before scheduled collection day. Items at the curb that are not scheduled are considered illegally dumped and shall be considered creation of an unlawful condition upon the property subject to abatement under the provisions of sections 22-16 through 22-21.~~

~~Household Construction Debris and Demolition containerization requirements and collection services.~~

12. Household Construction Debris Collection.

a. ~~The Solid Waste Division can collect Household Construction Debris can set out Construction and Demolition materials generated by the owners or renters of the Residential Units.~~

b. ~~Collection services need to be scheduled seven (7) days in advance of the requested Collection date unless otherwise approved by the Solid Waste Division.~~

c. ~~For non-contracted renovations and additional Collections pickups, the Residential Unit will be charged in accordance with the Solid Waste Fee Schedule.~~

d. ~~Items are to be placed at the Curb side the day before the scheduled Collection day. Items at the Curbside that have not been scheduled for Collection are not scheduled are considered a Non-Compliant Load and subject to abatement in accordance to this Chapter.~~

~~illegally dumped and shall be considered a creation of an unlawful condition upon the property, subject to abatement under the provisions of Sections 22-16 through 22-21.~~

13. The Public Services Department Director City Manager or designee shall have the authority to require that items be prepared for ease of Collection and to assure the safety and health of the employees performing the Collection tasks.

14. ~~Large Limb yard waste shall not be placed in a pile over three feet high, under trees or near mailboxes and utility boxes, or in a place or manner so as to obstruct traffic or overhead power lines. Any item not prepared properly may be refuseWasted for collection.~~

~~All residents requiring special pickups for Non-compliant, bulky item pickups, called in or individually scheduled pickups may be subject to a fee as approved and adopted by the City council.~~

~~The City Manager or designee can designate different Collectionpickup locations for Units that are located on private streets or driveways.~~

- a. ~~The determination of whether a private street or driveway creates a safety and operational hazard will be made by the Solid Waste Division.~~
- b. ~~When such a an unserviceable determination is made, the Solid Waste Division will inform the owner and/or occupant of an alternative location for Ceollection services for Rollout Cartsonainers and other setouts are to be placedCity-approved cans.~~
- c. ~~In the event that the Solid Waste Division determines it can provide service on the private street or driveway, the Unit owner will be required to sign a waiver limiting the City's liability for damages that may occur whileduring providing Curbside Collectionservices adjacent to the Unit.~~

~~may result in a citation and civil penalty.~~

~~finest and penalties as described in Subsection 22-10(12)(a).~~

Sec. 22-11. Solid Waste Containers for Trash Other than Garbage; One-Person LoadsProper Placement of Trash.

It shall be unlawful to sweep or cause to be swept, thrown, placed, poured, dumped or drained any ~~litterLitter~~, empty cartons, paper, packing boxes, packing material, sweeping compound or cleaning waste from any real estate, building or enterprise into any public street, drain, gutter or storm sewer. All trash, paper or ~~litterLitter~~ shall be immediately placed in approved containers as prescribed by ~~sections 22-5 through 22-8 or this Chapter~~, if dry and nonperishable, it shall be bundled, packaged, stacked, boxed, crated, barreled or otherwise bound, tied or secured into one-person loads and shall be so placed or located with reference to the streets and alleys as ~~to provide for conveniento-render Ceollection-convenient by solid waste department employees~~. Plastic or metal binding materials will not be allowed. Placement for ~~Ceollection-by solid waste department personnel~~ shall be in a manner to prevent wind blowing or scattering of any ~~litterLitter~~. All empty crates, boxes, cartons and similar containers in preparation for removal by the ~~Ssolid Wwaste Divisiondepartment~~ shall be crushed or otherwise broken down flat and bundled, tied, packaged or stacked by the service user. ~~A one person load shall be bundled or packaged by a service user in a manner not to exceed three feet in length or general circumference or 50 pounds in weight. Debris or refuse which exceeds these prescribed dimensions or weights shall be considered by the solid waste department employees as heavy debris and shall be loaded and transported for disposal for a fee to be paid by the service user in accordance with charges prescribed for disposal of heavy debris by section 22-25.~~

Sec. 22-12. Scattering, Littering, Throwing, Sweeping or Burning of Trash on Streets and Sidewalks; Accumulations of Trash On Premises, in Alleys, etc.

- a. ~~It shall be unlawful for any person to throw, place or deposit, sweep, pour or drain onto, or allow to be blown or scattered onto, any of the streets, sidewalks, roads, alleys, or constant flowing or intermittent~~

~~flowing streams of the city or onto any other occupied, vacant or improved property in the city any ashes, cinders, oil, grease, detergents, or industrial, commercial, construction, destruction, property clearance or domestic waste, washing or cleaning solution, containers, paper, refuse, abandoned furnishings or fixtures, litter or rubbish of any kind, sand and/or dirt from any building construction or washing and cleaning of cement trucks into catch basins, or the spilling of such materials on any street or city right-of-way, or the piling or burning of any such materials thereon or therein.~~

- ~~b. It shall be unlawful for any person to allow the premises occupied by him or the roadways, walks, constant flowing or intermittent flowing streams or stream beds, including pits, depressions, or other areas where water is likely to accumulate, on such premises to fill with or to contain any garbage, litter, rubbish or other refuse as referred to in this chapter.~~

~~Cross reference—Fire protection and prevention, Chapter 11; streets and sidewalks, Chapter 24~~

Sec. 22-132. Accumulations of Solid Waste Liable to Spontaneous Combustion.

It shall be unlawful for any person to allow to accumulate on ~~the premises~~any property occupied by him any ~~litter~~Litter, trash, rubbish or other ~~solid~~Waste which is liable to spontaneous combustion.

Sec. 22-143. Transporting Garbage, Organic Wastes or Similar Materials; Vehicles.

- a. It shall be unlawful for any person to privately haul or have hauled, carried or transported any ~~garbage~~Waste or wet or perishable or malodorous matter of organic origin on any City thoroughfare except in metal containers, covered vessels, or liquid-tight containers with tight-fitting covers; all of which shall be devoid of any drain tubes, or drainage pipes or other features which will release drainings, Waste, seepage, or washing from the container onto public roads, streets or property over which the transport is being moved.
- b. It shall be unlawful to commercially collect, handle, haul or transport on any of the streets, public ways/alleys, or other places of the City any ~~refuse~~waste without obtaining the necessary approvals, permits and licenses to do work in the City.
- c. No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded as to prevent any load contents or ~~litter~~Litter from being blown, deposited or spilled upon any street, alley or any other public place. No person shall allow to be spilled from any truck or any other vehicle any abrasive materials, such as sand, rocks or gravel, but not limited thereto, which might harm or do damage to the streets or the paint markings thereon.

Sec. 22-144. Littering by Operators and Occupants of Motor Vehicles.

- a. No operator or occupant of a motor vehicle shall, regardless of intent, throw, drop, discard or deposit ~~litter~~Litter from any motor vehicle in operation upon any street, road, highway or public vehicular area, except into a ~~litter~~Litter receptacle in a manner that prevents its being carried away or deposited by the elements.
- b. No operator of a motor vehicle in operation upon any street, road, highway or public vehicular area shall allow ~~litter~~Litter to be thrown, dropped, discarded or deposited from the motor vehicle, except into a ~~litter~~Litter receptacle in a manner that prevents its being carried away or being deposited by the elements.

~~c. A civil penalty in the amount of \$100.00 may be issued to any person in violation of this section.~~

Sec. 22-15. Noxious, Toxic, Flammable or Dangerous Materials.

It shall be unlawful for any person to place in any Waste Stationary Container, Rollout Cart, approved can/receptacle ~~solid waste container~~ any noxious, toxic or flammable chemical or gasoline, kerosene, motor oil or other petroleum based products. Hypodermic needles shall be bent and placed in clearly marked containers specifically designed for the removal and disposal of hypodermic needles. Pressurized canisters of more than a one-quart capacity shall be sawed or punctured so as to eliminate the danger of explosion.

Sec. 22-16. Illegal Dumping; Owners and Occupants Required to Keep PremisesProperty Free from Public Health and Safety Nuisances.

- a. Every person owning or occupying any premises-property in the City shall keep such property ~~emises~~ free from the following enumerated and described conditions which are hereby found, deemed and declared to constitute a hazard or detriment to the health and safety of the inhabitants of the City:
1. Any condition which constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects or other pests;
 2. Open wells and open basements or structures where construction of such structure has been abandoned or the structure has been razed by fire, demolition or other casualty;
 3. An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, ~~garbage, trash, refuse~~ Waste, brush, old clothes, rags, or any other combustible material or object of a like nature;
 4. An open place of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind which is subject to decay or shall otherwise be a menace to health or cleanliness;
 5. Hides, dried or green, provided such hides may be kept when thoroughly cured and odorless; or
 6. Any furniture, appliances or other metal products of any kind or nature openly kept which have jagged edges of metal or glass where such furniture, appliances or other metal products poses a source of danger for children through entrapment in areas of confinement that cannot be opened from the inside.
- b. The creation, maintenance or failure of the owner or occupant to abate any of the conditions enumerated in subsection (a) of this section is hereby declared unlawful. An owner remains liable for violations of duties imposed upon him by this chapter even though:
1. An obligation is also imposed on the occupants;
 2. The owner has, by agreement, imposed on the occupant the duty of complying with this chapter.

- c. Except as permitted in this Chapter, no owner, lessor, lessee, person, firm or corporation shall be permitted to illegally dump, leave or dispose in any manner upon their property or the property of another, whether public or privately owned, within the City limits the following items:
1. Mixed household, metal and yard waste;
 2. Tires or automotive parts to include engines, axles, batteries, transmissions, etc.;
 3. Hazardous materials, e.g. oils, cleaning fluids, paints and household chemicals;
 4. Furniture or mattresses;
 5. Carpet;
 6. Building materials, e.g. bricks, drywall, gutters, shingles, wooden fencing, pool liners, lumber, boards, toilets, sinks and tubs;
 7. Household garbage and related materials;
 8. Trees cut down by residents or contractors to include land clearing debris;
 9. Yard debris and related materials not removed by the generator of this waste within one (1) week except as allowed in Section 22-10.
- d. Any person, firm or corporation that is found to have dumped, left or disposed of in any manner, or whose personal items are identified within any items as enumerated in subsection (c)(1) through (c)(8) of this Section, upon the property of another, without the consent of that property owner or other persons in lawful control of the property, shall be subject to a civil penalty of \$500.00 and shall be responsible for the City's cost of removal of such items.
- e. An undeveloped lot is hereby declared a nuisance lot when there are two (2) or more verified violations within a one (1) year period.
1. Upon the declaration of an undeveloped lot as a nuisance lot, the Development Services Director or designee may prepare a property maintenance plan for such lot. The property maintenance plan shall specify corrective actions to be taken by the owner to detour illegal dumping on the nuisance lot. Such corrective actions may include, but are not limited to, installation of fencing, lighting, and signage. The property maintenance plan shall include a date by which the corrective actions are to be completed.
 2. The property maintenance plan and any subsequent appeal documents shall be served on the owner as set forth in Section 22-18.
 3. An owner may appeal the property maintenance plan to the Board of Appeals. A request for an appeal hearing by the board of appeals must be filed in writing with the City Clerk's office within 10 business days of the date the property maintenance plan is mailed to the property owner. The property owner shall provide a valid current address for the purpose of all notifications required to be made pursuant to this article. The request must state the reason for the appeal. The Board of Appeals, after a hearing, may modify or reverse the application of any corrective action provisions stipulated in the property maintenance plan when, in its

opinion, the enforcement thereof would do manifest injustice, and would be contrary to the ~~spirit and~~ purpose of this Chapter or public interest, or when, in its opinion, the corrective action provisions should be modified or reversed. A decision of the Board to modify the corrective action provisions shall specify in what manner such modification is made, the conditions upon which it is made, and the reasons therefore. Every decision of the Board of Appeals shall be in writing, and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Development Services Director or designee. The Board of Appeals shall in every case reach a decision without unreasonable or unnecessary delay. If a decision of the Board of Appeals reverses or modifies any corrective action provisions stipulated in the property maintenance plan, Development Services Director or designee shall immediately take action in accordance with such decision. The owner shall have the right to seek judicial review of the Board of Appeals decision in a proceeding in the nature of certiorari instituted in the Superior Court of the County within 30 days after the Board of Appeals decision.

Sec. 22-16.1. Placement and Maintenance of Litter Receptacles.

- a. It is the intent of this ~~S~~section to ensure that public areas are kept clean and free from ~~litter~~Litter.
- b. Any person, firm or corporation operating a grocery store, convenience store or an establishment selling food or beverages for consumption off the premises, shall place and maintain a ~~litter~~Litter receptacle outside of each exit from said premises for the use of the patrons thereof during business hours.
- c. The receptacle shall be emptied when full and at the close of business each day. Each receptacle shall be maintained in a clean and sanitary condition.
- d. If any person or firm or corporation should violate the provision of section 22-16.1, it shall be the duty of the ~~city inspection director or his designated representative~~City Manager or designee to give notice to the owner or to any person in possession of the subject property in accordance with sections 22-17, 22-18 and 22-20 of this Chapter.

Sec. 22-17. Notice to Abate Unlawful Conditions; Abatement by City ~~Where Conditions of Matter Admit of No Delay; Penalty.~~

- a. If any person shall violate the provisions of ~~section 22-16~~this Chapter, it shall be the duty of the ~~C~~city ~~Manager or designee development services director or his designated representative~~ to give notice to the owner or to any person in possession of the subject property, in accordance with section 22-18 of this ~~C~~chapter, as follows:
 1. That an unlawful condition exists thereupon and that the unlawful condition shall be abated by the owner and if the unlawful condition is not abated, that the owner will be subject to a civil penalty as set forth in Section 22-20; and
 2. That if the property owner does not abate the unlawful condition within 10 business days:
 - a. The property owner will be charged an administrative fee in accordance with the ~~F~~fee ~~and penalty S~~schedule as approved by ~~C~~city ~~C~~council regardless of who abates the unlawful condition; and

- b. The ~~development services director or his designated representative~~City Manager or designee, may proceed without notice to abate the unlawful condition and charge the actual cost of abatement to the property owner; and
- c. In addition to any other penalty imposed, the administrative fee, the actual cost of abatement or both shall be collected in the manner as provided for delinquent taxes, pursuant to G.S. 160A-193; and
- d. Upon the completion of any removal and abatement by the Ceity, in accordance with section 22-18 of this Cechapter, the ~~development services director~~City Manager or designee ~~or his designated representative~~ shall give notice to the property owner of their right to appeal the Ceity caused abatement and the appeal process thereof; and
- e. Upon the completion of any removal and abatement by the Ceity, the property owner may request an appeal hearing of the Ceity caused abatement to the City administrative hearing officer. Such request for an appeal hearing shall be in writing and submitted to the Ceity Attorney's Office within ten business days of the receipt of the notification of the right of appeal. The request for an appeal hearing shall state the reason(s) why the property owner should not be assessed for the cost of the Ceity caused abatement. The appeal hearing shall be held within 14 business days of the receipt of the request. Failure of the property owner to file a written request for an appeal hearing within the time prescribed by this Section will result in the waiver of the opportunity to file a request for an appeal hearing and the property owner being responsible for all costs associated with the abatement as otherwise provided in this Cechapter.

- b. Upon the completion of any removal and abatement by the ~~city~~City, the ~~development services director~~City Manager or designee or his designated representative, shall deliver to the deputy tax collector a statement showing the actual cost of the abatement of the unlawful condition, in which statement, in addition to the cost of labor, hauling, and other necessary items of expense, shall be included as an administrative fee in accordance with the fee and penalty schedule as approved by Ceity Ceouncil. The deputy tax collector shall thereupon mail to the owner of the subject property a bill covering the cost, if with reasonable diligence the name and address of such owner can be ascertained, and the amount of the bill shall become a lien upon such property and, if not paid within 30 days, shall be collected as in the manner provided for the collection of delinquent taxes.
- c. If the same person, corporation, or other property owner or occupant has failed to abate a violation within the ten-day period allowed in this Section for the same or different parcels of property at least twice in the same 24-month period, then if the same person, corporation, or other property owner or occupant fails to abate a third or subsequent unlawful condition within the 10-day period allowed in this Section and within the same 24-month period of the first two (2) violations as specified in this Section, the person, corporation, or other property owner or occupant shall be subject to a \$1,000.00 civil penalty, collectible as set forth in Subsection (a) of this Section, in addition to any other fee imposed by this Chapter for a continuation of the violation after the 10-day period allowed in this Section.
- d. In the event that the City Manager ~~or development services director or his~~ designee, determines that an unlawful condition constitutes an imminent danger to the public health or safety, such that notice to the property owner could not be provided without endangering the public, the ~~environmental services director~~City Manager or ~~his~~ designee, may take immediate action to remove or abate the unlawful condition, and the property owner shall be subject to the costs and administrative fee of such abatement

as provided in this Section and in accordance with the Fee Schedule adopted by the City Council. As soon as is practicable after the abatement of the unlawful condition, the property owner who has been assessed the costs for such abatement under this Subsection shall be given notice as prescribed by this ~~S~~section.

Sec. 22-18. Service of Notice.

- a. The notice required by ~~section 22-17~~this Chapter shall be served upon the owner of the subject property either personally or by first-class mail and by posting the notice on the subject property. If the whereabouts of such owner is unknown and the owner cannot be ascertained by the ~~building inspector~~City in the exercise of reasonable diligence, and the ~~building inspector~~City shall make an affidavit to that effect, then the serving of such notice upon such owner may be made by serving any person in possession of the subject property, or, if there is no person in possession of it, by posting the notice on the subject property.
- b. Any such notice may be served by any authorized representative of the ~~building inspection department~~City or by any police officer of the ~~C~~city when so authorized through the ~~building inspection office~~City Manager's Office.

Sec. 22-19. Defect in Notice Not to Affect Lien.

Any defect in the method of giving the notice required by Section 22-17, or in the form thereof, or the giving of such notice to an improper person, shall not prevent the City, in any case where the working of abating an unlawful condition upon any property is caused by the City, from collecting the cost thereof from the owner, nor shall it affect the validity of the lien on the property for such cost.

Sec. 22-20. Citations and civil penalty.

~~Violations of this Chapter may result in a citation and civil penalty as outlined in the Fee Schedule.~~ In addition to the remedies and sanctions set forth in section 22-17, ~~any person who, after having received the notice set forth in section 22-17, fails to abate the unlawful condition set forth in the citation shall be penalized in accordance with the fee and penalty schedule as approved by city council.~~ Upon abatement of the unlawful condition, the total amount of the civil penalty shall be due and payable as outlined in such notice. ~~Payments shall be made within five working days~~ to the ~~Collections Finance~~ Department, City Hall, 433 Hay Street, Fayetteville, North Carolina 28301-5537. Failure to pay the civil penalty within the prescribed period of time shall subject the offender to a civil action in the nature of a debt to recover the civil penalty due, plus the cost of the action. Each and every day's continued violation shall be a separate and distinct offense. This ~~S~~section is enacted pursuant to G.S. 160A-175(c), and is intended to be a civil penalty and not a criminal sanction.

Sec. 22-21. ~~County Health Officer May Exercise Authority Conferred on Building Inspections Director~~Reserved.

~~It is the intention of this chapter that the city building inspections director or designee, shall be primarily responsible for the enforcement of the provisions of this chapter. However, the county health officer shall, in any case where he deems it advisable to act, have all the authority conferred by this chapter upon the building inspections director or his designated representative, and any notice served for the purpose of this chapter by, or by authority of, the county health officer and any charge made by the county health officer in accordance with the provisions of this chapter shall be as valid as if made by the city building inspections director.~~

~~Sec. 22-22. Solid Waste Collection Schedule and Services.~~

The city shall provide the following level of services to all residential establishments:

- ~~1. Garbage and household trash collection, limited to the contents of two rollout or other approved containers for the service described in subsections 22-10(1) and (2), on a scheduled day, one time per week from residential units only;~~
- ~~2. Refuse, other than garbage or heavy debris, from residential units only properly containerized or as prescribed by subsection 22-10(8) on a scheduled day, one time per week;~~
- ~~3. One stationary container (lodal) per week.~~

~~State law reference~~—Collection of solid waste fees, G.S. 160A-314.1 et seq.

~~Sec. 22-23. City-Owned Trash Containers.~~

~~City-owned trash containers placed adjacent to city streets and in public places are for the exclusive use of the transient public, pedestrians and motorists, and city solid waste sweeper collectors. City-owned containers shall not be used by adjacent business enterprises or other privately owned establishments in lieu of the privately owned containers they are required to furnish in accordance with section 22-5 or section 22-11.~~

~~Sec. 22-24. Collection Service for Establishments Having a Front Door Only.~~

Owners of establishments, stores or other enterprises which are housed in buildings having only a front door opening onto a public sidewalk shall not place any Household Waste, other Waste ~~solid waste, garbage or trash cans, dry refuse,~~ or rubbish on or adjacent to any public sidewalk overnight or over the weekend. ~~Cans/receptacles ontainers~~ for debris shall be kept in the owner's establishment and moved outside to the Ceurbside only to meet the pick-upCollection schedule of the City Solid Waste Division. Empty ~~cans/receptacles eontainers~~ shall be removed by the owner from the public area to the inside of the establishment as soon as scheduled ~~solid waste-C~~ollection has been completed.

~~Sec. 22-25. Schedule of Fees for Extra Solid Waste DepartmentDivision Services.~~

- a. A fee shall be collected by the ~~solid waste department~~City for all extra services which are requested and furnished to users in excess of those provided without cost or ~~authorized patrons~~ otherwise authorized under this Chapter. ~~e provisions of section 22-10 and section 22-22.~~ The fees for extra services are set forth in a separate Solid Waste Fee Sschedule as approved by the Ceity Cecouncil.
- b. The charge for any extra service not covered by fees within the Solid Waste Ffee Sschedule as approved by the Ceity Cecouncil shall be determined by the ~~solid waste director~~City Manager or designee, using these fees as guidelines and exercising judgment to establish a fee to cover only the actual cost of the specific service, plus the 10 percent surcharge, less any funds generated from a disposal action related to the service.
- c. Heavy debris including, but not limited to, items in excess of one-person loads (~~section 22-11~~) which require a special loading crew, front-end loader and/or special vehicle. ~~No heavy items as described~~

~~in this chapter~~ shall not be collected or removed by the ~~solid waste department~~ Solid Waste Division except for a fee charged to the service user under the terms ~~of subsection (a) of this Chapter~~ section.

~~d. Failure to pay the actual cost for services rendered pursuant to subsection (a) of this section within 30 days of the date of the performance of the extra services shall be a violation of this section and shall subject the owner to a civil penalty to be recovered by the city in a civil action in the nature of a debt pursuant to G.S. 160A-175(c). The civil penalty shall not exceed the cost of removal of the heavy debris plus court costs.~~

Sec. 22-215. Accounting Procedures.

- a. Funds generated by charges for Ceity Solid Waste Divisions~~solid waste department~~ services and materials shall be accounted for through the use of sound business principles to include as a minimum a system of serially numbered permits, tickets and duplicate receipt forms.
- ~~b. Accounts for extra solid waste service shall be considered due and payable within ten days of the billing date. All solid waste service may be discontinued for any user who has an account for extra service more than 60 days past due, upon notice.~~
- ~~eb.~~ The~~With the approval of the city manager, the solid waste director~~ City Manager or designee is authorized to enter into a contractual service agreement on a monthly basis whenever such an agreement best serves the convenience of both the Ceity and the service user.

Sec. 22-27. Lodal and Stationary Containers; Locking Devices Required.

~~Any lodal-type stationary containers, placed into service after the effective date of the ordinance from which this chapter is derived, which have side openings shall be equipped at the property owner's expense with locking devices for such side openings.~~

Sec. 22-218. Construction /Demolition Debris.

Removal of Ce~~onstruction/Demolition~~ D~~e~~bris shall be the responsibility of the property owner, and failure to remove the Ce~~onstruction/Demolition~~ D~~e~~bris shall be considered the creation of an unlawful condition upon the property subject to abatement under the provisions of this Chapter. sections 22-16 through 22-21.

Sec. 22-219. Enforcement of Violations.

~~The~~ City Manager or designee ~~-is solid waste department or inspection department employees as designated by the city manager are~~ hereby authorized to enforce the provisions of this Chapter. Violation of any provision of this Chapter may result in a civil penalty and citation, and other actions as outlined in this Chapter. section 22-15, and issue appropriate citations as permitted by section 22-
30.

Sec. 22-220. Notice to Abate/Reserved.

~~It shall be unlawful to allow to exist upon any property within the city a condition as set forth in section 22-16, excluding subsection 22-16(d), and upon discovery of such condition by any official designated in section 22-29, the violator shall be given written notice of the unlawful condition and ten working days to~~

~~abate the unlawful condition; and if, after receipt of the notice, the violator does not abate the unlawful condition within the allowed time, the violator shall be issued a citation as set forth in section 22-31.~~

Sec. 22-28-31. Penalties for Violations.

- a. ~~Civil penalty amounts for violations are listed in the Fee Schedule. A violation of section 22-30 shall subject the violator to a civil penalty in accordance with the fee and penalty schedule as approved by city council.~~ A violation of any section of this Chapter not specifically addressed in the ~~separate fee and penalty schedule, except as specified in section 22-16(d),~~ shall subject the violator to a civil penalty of \$100.00 per violation. Pursuant to G.S. 160A-175(g), each and every day's continuing violation shall be deemed a separate punishable offense. The civil penalty shall be imposed by citation served personally upon the violator by those individuals authorized ~~under this Chapter in section 22-29,~~ or delivered by first class mail followed by delivery confirmation if the first notice is returned within 10 business ~~working~~ days. The citation shall set forth the specific violation, the amount of the penalty, that each and every day's violation is a separately punishable offense, and that if the penalty is not paid within 10 business days of the issuance date of the citation, the penalty shall be collected by civil action in the nature of a debt. The citation shall also set forth any appeal rights.
- b. If the penalty as set forth in the citation issued pursuant to Subsection (a) of this Section is not paid within the prescribed time, then the matter ~~may shall~~ be referred to the ~~office of the city attorney~~ City Attorney's Office to, who shall institute an action in the nature of a debt in a court of competent jurisdiction to collect the civil penalty.

~~Secs. 22-32—22-42. Reserved.~~