



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

ARTICLE I. Amendment of Town Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina that Chapter 30 – *Solid Waste Management* of the Town Code is hereby amended as follows:

PART I. Sec. 30-1. - Definitions.

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

Building materials means any material such as lumber, brick, block, stone, plaster, concrete, asphalt, roofing shingles, gutters and other substances accumulated as the result of repairs or additions to existing buildings or structures, construction of new buildings or structures or the demolition of existing buildings or structures.

Bulk container (dumpster) means a metal container of not less than three cubic yards' capacity and not larger than ~~four~~ eight cubic yards' capacity, constructed so as to be watertight but may have a drain plug at the lowest point of the container to facilitate the drainage of any liquids that might accumulate in the container or from cleaning the container. Bulk containers shall have doors that open on the top and shall be designed so that they can be emptied mechanically by specially designed trucks operated by the division of sanitation of the department of public works.

Bulk container loading pad means a 10' x 10' x four inch thick concrete pad which must be provided for each bulk container ~~eight-foot by ten-foot by four-inch concrete pad which must be provided for each bulk container~~. Such pad must have a vertical clearance of 16 feet and shall be substantially screened with an enclosure ~~be enclosed with a screen on three sides to conceal the bulk container within~~. ~~The dimensions of the screen shall be seven-feet by ten-feet.~~

Business trash means any waste accumulation of dust, paper, sawdust, cardboard, excelsior, rags or other accumulations other than garbage or household trash which are usually attendant to the operation of stores, offices and similar businesses.

Commercial establishment means any retail, wholesale, motel, hotel, institutional, religious, governmental or nonresidential establishment which may generate garbage, business trash or other refuse.

~~*Cottage court* means a group of two or more unattached single-family dwellings~~ *Cottage court* means three or more detached single-family dwellings on one lot.

Dead small animals means dead cats, dogs, small household pets and other animals of similar size.

Detachable container means a container unit that may vary in capacity between five cubic yards and 42 cubic yards and which is used for collecting, storing and transporting waste building materials, business trash, industrial waste, hazardous refuse or yard trash. The unit may or may not use an auxiliary packing mechanism for the compaction of the materials into the container and may be of the open or closed type. The distinguishing feature of the detachable container is that it is lifted by a specially designed and equipped truck and becomes an integral part of that truck for transporting waste materials to a disposal site.

Duplex means any dwelling place designed for, or occupied by, two families.

Garbage means the waste produced by the handling, processing, preparation, cooking and consumption of animal or vegetable products used for human consumption. This definition shall include any other matter that is also subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors or which before, during and after decay may serve as feeding or breeding material for animals or flies or other insects.

Hazardous refuse means materials such as poisons, acids, caustics, harmful or dangerous chemicals, infected materials, offal, fecal matter, explosives, highly flammable material and parts of the human anatomy, including pathological specimens.

Household trash means waste accumulation of paper, sweepings, dust, rags, bottles, cans or other waste material of any kind, other than garbage, which is attendant to residential housekeeping.

Industrial waste means all waste, including solids, semisolids, sludges and liquids created or generated by factories, plants or other manufacturing enterprises.

Litter means garbage, refuse, waste materials or any other discarded, used or unconsumed substance which is not handled as specified in this chapter.

Loading and unloading area means any space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons.

Multiple dwelling unit means a building or portion thereof used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses.

Portable packing unit means a packing mechanism with an internal or external power unit which is attached to a bulk container to compact the refuse within.

Refuse means solid waste accumulations consisting of garbage, household trash, recycling, yard trash and business trash as defined in this section.

Refuse receptacles.

(1) *Rollout cart* means a plastic container of substantial construction with a tight-fitting lid, having a capacity of 90 gallons, equipped with wheels and designed to be picked up curbside by an automated style garbage refuse truck. Rollout carts under this definition are those issued by the town to the property owners and may not be disfigured in any manner except to allow for numbers on the back side of the automated cart in white stick on or stenciled on numbers of no less than two inches high, nor more than four inches high.

(2) *Recycling cart* means a rollout cart that is intended for the deposit and collection of co-mingled recyclables as approved as part of the Town's recycling program.

~~(2) *Polyethylene plastic bags* means plastic bags which shall weigh no more than 25 pounds when full. Plastic bags shall be closed by a tight sealing method of suitable type, such as drawstring, wire tie or multiple folds.~~

~~(3) *Cardboard boxes* means cardboard boxes, cartons or crates that may be used only to contain other cardboard boxes, cartons or crates and must be properly secured by tying or taping. Such cardboard boxes shall not exceed a dimension of four feet by four feet and shall have a volume of not more than 64 cubic feet. Such boxes shall have a one-time use and shall be collected along with the refuse contained in them.~~

~~(4) *Two ply kraft paper bags* means bags that may be used for yard trash and shall not weigh more than 25 pounds when full.~~

(3) *Trash cart* means a rollout cart that is intended for the deposit and collection of refuse other than recyclables.

(4) *Bulk container* as defined in this section.

Seasonal rental unit means any single-family or duplex residential unit rented or available for rent on a short-term basis of less than one month at a time.

Single residential unit means any dwelling place occupied by one family.

Tree and shrubbery trimmings means waste accumulation of tree branches, tree limbs, bushes, shrubbery, cuttings or clippings usually created as refuse in the trimming or cutting of trees, shrubs or bushes.

Yard trash means grass clippings, leaves, twigs or the combination of these that are usually associated with yard or lawn maintenance activity. This type of refuse shall be containerized as provided in this chapter. Exceptions shall be only as provided in this chapter.

Sec. 30-2. - Disposition of litter, refuse ~~garbage~~, other materials generally.

(a) It shall be unlawful for any person to cause or allow unsightly litter, foul or offensive odors or potentially dangerous materials to remain on, or emanate from any property under his control, or to discard, abandon or cause the same on any public or private property within the corporate limits of the town.

(1) The occupant, owner and agent, individually or jointly, of each house or other building or the owner of an unoccupied building or unimproved land shall be responsible for maintaining the premises in a clean and slightly condition by periodically removing all litter, trash, garbage or other refuse and placing the same in receptacles for collection by the town acting through its employees, agents or other authorized representatives.

- (2) It shall be unlawful for any person or the employees or agents of any person to throw or otherwise deposit any trash, refuse, bottles, cans or other containers of any kind, garbage or any type of waste material, or to place or leave or cause to be placed or left, temporarily or permanently, any trash, refuse, garbage, bottles, cans or other containers of any kind, any scrapped or abandoned automobile, truck or other motor vehicle or part thereof, upon any property, whether private or public (including the right-of-way of any street, state highway or public road, or on that portion of the beach of the Atlantic Ocean lying between the high and low water marks, or upon the shoreline of Roanoke Sound between the high and low water marks) except property designated as "sanitary landfills," trash dumps, or garbage disposal areas by the town.
- (b) The provisions of this section shall not be construed to forbid the depositing and placing of household trash and garbage and other waste material and trash cans or other proper receptacles provided for the pickup and removal thereof by the town garbage collector in accordance with provisions of this chapter, and the provisions of this subsection shall not apply to the depositing of fill material upon any building site for the purpose of constructing a foundation thereon; provided, that fill material for such construction shall not consist of organic trash or garbage, wood or wood products, bottles, cans, containers, scrapped or abandoned automobiles, trucks or motor vehicles or parts thereof.

Sec. 30-3. - Administration and enforcement of chapter.

The administration of the provisions of this chapter shall be the duty and responsibility of the public works director and sanitation supervisor.

Sec. 30-4. - Type and size of refuse receptacles containers.

- (a) All refuse to be collected by the town shall be stored in proper receptacles between times of collection.
- (b) All single-family residences and each unit of a duplex located anywhere within the town limits unless otherwise excluded by the public works director, will utilize a rollout carts for the placement of refuse for pickup by the town. A minimum of one rollout trash cart and one recycling cart is required at each single-family residence and at each unit of a duplex. All seasonal rental units must provide one rollout trash and recycling carts for every two bedrooms. in accordance with the following schedule:

<u># of Bedrooms</u>	<u># Trash Carts</u>	<u># Recycling Carts</u>	<u>Total Carts</u>
One to Three	<u>1</u>	<u>1</u>	<u>2</u>
Four to Six	<u>2</u>	<u>2</u>	<u>4</u>
Seven to Nine	<u>3</u>	<u>3</u>	<u>6</u>

The maximum number of rollout trash and recycling carts allowed will be determined by the number of rollout and recycling carts required to maintain total compliance with this chapter. The property owner will be responsible for replacing rollout trash and recycling carts that have been lost, stolen, or damaged unless such damage is covered under warranty and within the warranty period of ten years, or unless caused by sanitation services at no fault of the property owner. Property owners are also responsible for replacing rollout trash and recycling carts that are older than ten years. Additional rollout trash and recycling carts necessary to comply with this chapter must be purchased by the property owner from the Town.

- (c) Any commercial establishment of less than 2,000 square feet gross floor area may use rollout trash and recycling carts, not to exceed a total of two rollout trash and two recycling carts.
- (d) Each new residence built after date of adoption of the ordinance from which this section is derived must have in place the appropriate number of rollout trash and recycling carts prior to the issuance of a certificate of occupancy.
- (e) Bulk containers are required at each commercial establishment in accordance with section 30-7. Distributors of bulk containers who wish to sell or lease such containers in the town are subject to certification of equipment compatibility by the director of public works before such sales will be permitted.
- (f) Detachable containers are authorized through private contractors. Such contractors must be licensed by the town.
- (g) The public works director is authorized to determine the number and type of refuse receptacles needed for any situation not covered by the schedule set forth in part (b) above.

Sec. 30-5. - Refuse receptacles to be safe.

- (a) All refuse receptacles, including ~~rollout trash and recycling~~ carts, as required in this chapter shall be of safe construction and shall be maintained in a good, serviceable and sanitary condition at all times. Any refuse receptacle which does not conform to the provisions of this chapter or which has ragged or sharp edges or other defects likely to hamper or injure the person collecting contents thereof, or the public generally, shall be promptly replaced or repaired upon notice. If such refuse receptacle, after due and proper notice, has not been replaced or repaired within 30 days, the sanitation division of the public works department shall have the authority to remove such receptacle as refuse.
- (b) No person shall place any of the following items in a refuse solid-waste container:
 - (1) Motor vehicle tires;
 - (2) Bulky wastes;
 - (3) Building materials;
 - (4) Hazardous, radioactive or medical wastes;
 - (5) Burning or smoldering materials or any other materials which would create a fire hazard;
 - (6) Rocks, dirt, sod, paint or motor oil;
 - (7) ~~Aluminum cans and a~~Antifreeze.

Sec. 30-6. - Preparation of refuse for collection.

- (a) *Generally.* The refuse garbage collection schedule will be established by the public works director and changed as conditions warrant from season to season. Bulk containers, ~~or rollout trash carts, or recycling carts~~ which are obstructed or not properly positioned when the truck passes will not be collected until the next regularly scheduled pickup date. Lids must be closed when in use.
- (b) *Receptacles Containers required.* All refuse shall be placed in approved receptacles containers.
- (c) *Access to receptacles* containers. Routes for access and collection of residential refuse solid-wastes shall be improved and maintained for the safety of refuse solid-waste collectors. Access routes shall not be obstructed. Service will not be provided when dogs or other animals interfere with collectors.
- (d) *Large items/bulk pickup.*
 - (1) *Residential collection.* Large, bulky items such as stoves, refrigerators, water heaters, sofas, box springs, etc., which cannot normally be loaded into the back of a standard refuse garbage truck, shall be picked up with equipment designed for large, bulky items. This service does not include the pickup of building materials, roofing, soil, rock, concrete, tree stumps, etc. Tree and shrubbery trimmings must originate from a lot upon which is located a single-family or two-family dwelling unit. Tree and shrubbery trimmings must be cut in lengths of not over eight feet in length. To receive pickup of large, bulky items, an individual must make an appointment with the town from October 1 through April 30.
 - (2) *Commercial collection.* Large, bulky items which cannot normally be loaded into the back of a standard refuse garbage truck shall be picked up with equipment designed for large, bulky items. This service does not include construction materials, carpet, wood, more than 25 mattresses/box springs, stumps, logs, tree and shrubbery trimmings, etc. Each pickup shall be limited to a maximum of no more than 1,500 pounds per item. To receive pickup of large, bulky items, an individual must make an appointment with the town for pickup. Pickup periods are from November 1 through December 15, and from February 15 through March 31.
- (e) *Storage and removal of Placement-of-rollout trash and recycling carts.* Rollout Trash and recycling carts must be placed for pickup within the street right-of-way and within four feet of the improved portion of the street, but not on the improved portion of the street. Trash and recycling carts shall be placed for pickup no more than 24 hours prior to no earlier than the day before the scheduled pickup time. ~~The rollout Trash and recycling carts~~ must be removed from the street right-of-way no later than ~~12:00~~ midnight on the day of collection and stored adjacent to a building. The property owner, ~~agent or occupant~~ shall be responsible for such placement and removal.

Sec. 30-7. - Commercial establishment container requirements.

- (a) All commercial establishments of more than 2,000 square feet shall be required to furnish a bulk container (see schedule in subsection (c) of this section) of the type approved by the director of public

works. No rollout carts shall be used where bulk containers are required. The minimum requirements for bulk containers shall follow, as closely as possible, the schedule in subsection (c) of this section. The director of public works may determine the appropriate number of containers for properties with multiple uses.

- (b) If a commercial establishment of less than 2,000 square feet generates more refuse than can be handled by two ~~rollout trash and two recycling~~ carts, that establishment will be required after notification to provide a suitable bulk container loading pad, and a bulk container.
- (c) The minimum number and size of containers bulk container volume requirements are as follows:
 - (1) ~~Multiple dwelling units, three to four units: one four-cubic-yard dumpster;~~
 - (2) ~~Multiple dwelling units, five to ten units: one four-cubic-yard dumpster;~~
 - (3) ~~Multiple dwelling units, 11 to 17 units: two four-cubic-yard dumpsters;~~
 - (4) ~~Multiple dwelling units, 18 units and above: three four-cubic-yard dumpsters, or more if needed;~~
 - (5) ~~Trailer parks and mobile home parks: four to eight-cubic-yard dumpster capacity to be located at entrance of park;~~
 - (6) ~~Restaurants: four yards/75 seats.~~

<i>Number of Containers</i>	<i>Cubic Yards</i>
1 – 75 seats = 1, 4 yard	4 (limit)
76 – 150 seats = 2, 4 yard	8 (limit)
151 – 225 seats = 3, 4 yard	12 (limit)
226 – 300 seats = 4, 4 yard	16 (limit)
301 – 375 seats = 5, 4 yard	20 (limit)

- (7) ~~Motels: four yards/50 units.~~

<i>Number of Containers</i>	<i>Cubic Yards</i>
1 – 25 rooms = 1, 4 yard	4 (limit)
26 – 100 rooms = 2, 4 yard	8 (limit)
101 – 150 rooms = 3, 4 yard	12 (limit)
151 – 200 rooms = 4, 4 yard	16 (limit)
201 – 250 rooms = 5, 4 yard	20 (limit)

- (8) ~~Fishing piers: All piers shall be required to have a minimum of one four-cubic-yard container. Additional containers shall be provided for the housing facilities as pertinent to this section;~~
- (9) ~~Tackle shops: All tackle shops shall be required to have a minimum of four cubic yards;~~
- (10) ~~Recreation and amusements: All shall be required to have a minimum of one four-cubic-yard container. Additions shall be as deemed necessary by the amount and type of refuse generated;~~
- (11) ~~Cottage courts:~~

<i>Number of Containers</i>	<i>Cubic Yards</i>
3 – 10 cottages = 1, 4 cubic yard	4 (limit)

11–20 cottages = 2, 4 cubic yard	–8 (limit)
21–30 cottages = 3, 4 cubic yard	12 (limit)
31–40 cottages = 4, 4 cubic yard	16 (limit)
41–50 cottages = 5, 4 cubic yard	20 (limit)

~~(12) Grocery, retail, and office establishments: All grocery and retail stores and offices not listed above shall provide mobile rollout containers or bulk containers in accordance with the following schedule, which is based on the square footage contained within the exterior walls of each store.~~

<i>Square Footage</i>	<i>Containers</i>
—0— 2,000	2 rollout carts
2,000— 6,000	4 cubic yards
6,001— 12,000	8 cubic yards
12,001— 18,000	12 cubic yards
18,001— 24,000	16 cubic yards
24,001— 30,000	20 cubic yards
Over 30,000	Must provide portable packing units in sufficient number to accommodate the refuse generated during the peak summer tourist season.

~~(13) Mini and self-storage facilities: All mini and self-storage facilities must provide a minimum of one four cubic yard dumpster. Facilities containing over 12,000 square feet of gross floor area must provide an additional four cubic yard dumpster for each 12,000 square feet of floor area or fraction thereof.~~

~~(14) Hospitals and medical facilities over 2,000 square feet in gross floor area must provide a minimum of one, four cubic yard dumpster and one cubic yard of additional dumpster capacity for each 3,600 square feet of gross floor area above 14,400 square feet.~~

<u>Use</u>	Minimum Number of Volume Requirement (Cubic Yards)
	Solid Waste
Multiple dwelling units, three to ten units	4
Multiple dwelling units, 11 to 17 units	8
Multiple dwelling units, > 17 units	12
Restaurants; 1-75 seats	4
Restaurants, 76-150 seats	8

Use	Minimum Number of Volume Requirement (Cubic Yards)
	Solid Waste
Restaurant, 151-225 seats	12
Restaurant, 226-300 seats	16
Restaurant, 301-375 seats	20
Motels, 1-25 rooms	4
Motels, 26-100 rooms	8
Motels, 101-150 rooms	12
Motels, 151-200 rooms	16
Motels, 201-250 rooms	20
Fishing piers	4, Additional containers shall be provided for the housing facilities as pertinent to this section
Tackle shops	4
Recreation and amusements	4
Cottage courts	8
Grocery, retail, office establishments, 2,000 to 6,000 sq. ft.	4
Grocery, retail, office establishments, 6,001 to 12,000 sq. ft.	8
Grocery, retail, office establishments, 12,001 to 18,000 sq. ft.	12
Grocery, retail, office establishments, 18,001 to 24,000 sq. ft.	16
Grocery, retail, office establishments, 24,001 to 30,000 sq. ft.	20
Grocery, retail, office establishments, over 30,000	Must provide portable packing units in sufficient number to accommodate the refuse generated during the peak summer tourist season.
Mini and self-storage facilities	4 per every 12,000 sq. ft. of gross floor area
Hospitals/Medical facilities	4 minimum with an additional one cu/yd of dumpster capacity for each 3,600 square feet of gross floor area above 14,400 square feet

- (d) The public works director is authorized to determine when a bulk container, concrete pad, or screening is unserviceable and may discontinue service for the same after proper notification.
- (e) One A bulk container loading pad shall be provided for ~~each bulk container~~ each eight (8) cubic yards of bulk container volume which is required in subsections (c)(1) through (c)(14) of this section. Bulk container loading pads for each container shall consist of a 10'x10' x four inch thick concrete pad.

ARTICLE II. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

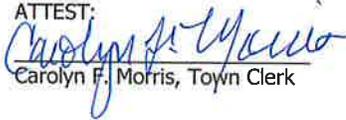
ARTICLE III. Effective Date.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 1st day of **March 2017**.



Robert C. Edwards, Mayor
Town of Nags Head

ATTEST:


Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: March 1, 2017

Motion to adopt by Commissioner Comr. Ratzenberger

Motion seconded by Commissioner Comr. Demers

Vote: 5 AYES

Mayor Edwards, Mayor Pro Tem Walters, Comr. Cahoon, Comr. Ratzenberger
and Comr. Demers

0 NAYS