



Town of Beaufort NC
701 Front St. • P.O. Box 390 • Beaufort, N.C. 28516
252-728-2141 • 252-728-3982 fax • www.beaufortnc.org

RESOLUTION AMENDING THE SOLID WASTE ORDINANCE

WHEREAS, The use of a contractor to collect recycling and solid waste and changes to solid waste collections in the Waterfront Business District require a number of modifications to the solid waste ordinance.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of Beaufort as follows:

The Town's Chapter 50, Sections .01, .15-.17, .30-.32 and .99 are replaced with the following:

DEFINITIONS: For the purpose of this chapter, the following definitions will apply unless the context clearly indicates or requires a different meaning:

1. **ASHES.** Refuse resulting from the burning of wood, coal, coke, and other combustible material.
2. **BUILDING DEBRIS.** Rubbish from light construction, remodeling, and repair operations on houses performed by the homeowner, including but not limited to excavated earth, stones, brick, plaster, lumber, and waste parts occasioned by installations and replacements.
3. **BULK ITEMS.** The remains of, or pieces and parts of, large items of solid waste such as furniture, beds, frames, trees, stumps, or other tree remnants greater than 6 inches in diameter and other oversized or general solid waste, both combustible and noncombustible, that due to its large size precludes or complicates its handling by normal solid waste collections, processing, or disposal methods.
4. **BUSINESS BUILDING.** Any public or private structure adapted for the following uses: transaction of business, rendering of professional services, amusement, the display or sale or storage of goods, wares, merchandise, articles or equipment, hotels, apartment housing, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, abattoirs, warehouses, sheds, barns, and other structures on premises used for or adapted to business purposes.
5. **COLLECTION.** The act of removing solid waste, residential household garbage or recyclable material and bulk items from a point of generation to a central storage point adjacent to nearest public roadway, then to a disposal site.

6. **COMMERCIAL ESTABLISHMENT.** See Business Building.
7. **CONTRACTOR.** Company hired to collect or manage solid waste and recycling produced in the Town.
8. **CURBSIDE.** Location adjacent to but no more than 3 feet from the edge of a public roadway, providing access to a residence or business building.
9. **CUSTOMER.** An occupant or owner of a residential, commercial, or industrial unit who generates solid waste.
10. **EXCEPTIONAL VOLUME.** The amount of bagged waste or recycling that exceeds the limits of the container used for the collection, or as determined by the Public Works Director.
11. **HAZARDOUS WASTE.** Any commercial or residential garbage, trash, rubbish, or other solid waste identified or listed as "hazardous waste" by the administrator of the US Environmental Protection Agency (EPA) pursuant to the federal Solid Waste Disposal Act 42 USC 6901 et seq., as amended. These include the following: poison, acids, caustics, chemicals, infected materials, offal, fecal matter, explosives, radioactive materials, and other volatile or potentially dangerous substances.
12. **INDUSTRIAL WASTE.** Sawdust, shavings, packing material, cartons, boxes, metal, glass, paper, wood, textiles, chemicals, plastic, or other waste materials from processing plants, factories, or manufacturing operations.
13. **INFECTIOUS WASTE.** Commercial or residential garbage, trash, rubbish, or other waste containing pathogens or biologically active material that because of its type, concentration, and quantity is capable of transmitting disease to persons exposed to the waste, including human and animal tissue, bandages, and other material used in health care that became contaminated by pathogenic material.
14. **SOLID WASTE.** Any solid waste, animal, or plant material from the preparation, consumption and/or storage of food, and other waste that is generated by the normal day-to-day operation of a residence, business, industrial, governmental, or institutional establishment that can be disposed of in a sanitary landfill.
15. **OIL.** New or used oil that has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities and loss of original properties but may be suitable for further use and is economically recyclable.
16. **POINT OF COLLECTION.** Specified location where municipal solid waste, yard debris, bulk items, and construction debris, and recyclables are to be collected.
17. **RECYCLABLE WASTE.** Newspaper, copy/printer paper, cereal boxes, shoe boxes, magazines, junk mail, paperback telephone books, green/brown/clear glass, broken-down corrugated cardboard boxes, gable-top cartons such as milk cartons, aluminum beverage cans, aluminum/steel/tin cans, aluminum foil, and plastics No. 1-2.
18. **RECYCLING CONTAINER.** A plastic container furnished by the Town for collection of specified recyclable materials.
19. **REGULAR COLLECTION SCHEDULE.** Schedule of dates and or days that solid waste, recycle, yard debris and bulk items will be collected.
20. **ROUTINE COLLECTION PRACTICES.** A standard means of collecting municipal solid waste, yard debris, bulk items, and recyclables.
21. **TOWN.** Town of Beaufort.
22. **UNAUTHORIZED ACCUMULATION OF GARBAGE.** The storage or accumulation of garbage on any premise in the Town that creates the following: unsanitary conditions; fire hazards; offensive or obnoxious odors; and breeding or harboring place for insects, snakes, varmints, vermin, or other pests; or a situation that adversely affects the health, safety, and welfare hazards the public as established by the appropriate and applicable standards of the Town.
23. **VOLUME/WEIGHT LIMITS.** Maximum limit of 75 pounds per 95-gallon solid waste and recycling containers, 50 pounds for yard waste containers and tree limbs, and 5 cubic yards for bulk items.
24. **WATERFRONT BUSINESS DISTRICT.** An area that includes businesses located along Front Street between Moore and Queen Streets; Turner Street between Front and Ann streets; Middle

Lane; Queen Street between Front and Ann streets; and the boat-based businesses on Front Street between Queen and Pollock streets.

25. **YARD DEBRIS.** Solid waste consisting solely of vegetative matter resulting from landscaping maintenance by the homeowner, which includes but is not limited to, tree limbs grass clippings, leaves, brush, etc.

1. **CHARGES FOR SERVICE**

- a. No owner, occupant or occupied property within Town limits shall be exempt from an approved solid waste collection service.
- b. All owners or occupants of premises within the Town shall be subject to the service charges prescribed by the Town Board of Commissioners. Fees for the collection and disposal of refuse and recyclable materials by the Town shall be charged to the owner or occupant of all premises in the amount specified in the Town fee schedule. An adjustment for such charges may be made at the discretion of the Board.
- c. For instances in which tenants pay solid waste fees, upon the property's vacancy, owners will resume financial responsibility of solid waste collection fees until notification to terminate solid waste collection is given by the owner. No solid waste services will be provided after the tenant and landlord terminate service.

2. **SOLID WASTE COLLECTION SERVICES**

- a. **Regular Collection Schedule:** The Public Works Department or its contractor will collect, remove, and dispose of municipal solid waste within the Town limits, excluding the waterfront business district, once each week. The collection schedule shall be established by the Public Works Director with the approval of the Town Manager.
- b. **Containers and Volume/Weight Limits:** Each customer will be provided by the Town or its contractor one roll-out container, not to exceed a capacity of 96 gallons. All garbage and household refuse shall be placed in bags before being placed in refuse containers, and the amount of waste shall be limited to 75 pounds per container. Containers shall be filled such that the lid remains firmly closed while curbside. If one container is insufficient to properly hold the waste generated, then an additional container must be obtained from the Town.
- c. **Accepted Materials:** Mixed household solid waste and mixtures of household, commercial, and industrial solid waste that are permitted under the governing permits and the applicable laws to be accepted at the applicable disposal facilities and that are not otherwise unacceptable waste will be collected.
- d. **Point of Collection:** All containers must be placed curbside by 7 a.m. the day of collection, but not before 7 a.m. the day before collection, with the lids firmly closed. Containers will be collected curbside from a point adjacent to the public streets but must not be placed in the street or gutter for collection. Bags, boxes, or any other loose material will not be collected. Containers must be returned to the yard for residences, or for businesses or institutions, to the rear area of buildings or inside the building, by the customer on the day of collection.
- e. **Prohibited Material:** The Town of Beaufort does not collect hazardous waste, infectious waste, oil, or batteries.
- f. **Exceptional Volume/Weight:** Residents or commercial, industrial, and/or institutional establishments with solid waste that regularly exceeds the volume limits may employ a private waste management contractor with the approval of the Public Works Director. Residents, commercial, industrial and/or institutional establishments for which exceptional volume/weight solid waste is collected by the Town will incur collection fees as defined in the Town fee schedule.

- g. **Fees and Charges:** The fees for solid waste collection services are defined in the Town fee schedule in the Town Clerk's office and on the Town website.

3. RECYCLABLE WASTE COLLECTION SERVICES

- a. **Regular Collection Schedule:** The Public Works Department or its contractor will collect, remove and dispose of recyclable materials within the Town limit once every two weeks. The collection schedule shall be established by the Public Works Director with the approval of the Town Manager.
- b. **Containers and Volume/Weight Limits:** Each customer will be provided by the Town or its contractor one roll-out container, not to exceed a capacity of 96 gallons. Comingled recyclable material shall be placed in the provided container un-bagged. The weight must not exceed 75 pounds. The lid should remain firmly closed once the container is filled. If one container is insufficient to properly hold recyclable materials, an additional container must be obtained from the Town.
- c. **Point of Collection:** All containers must be placed curbside by 7 a.m. the day of collection, but not before 7 a.m. the day before collection, with the lids firmly closed. Containers will be collected from a point adjacent to the public streets and must not be placed in the street or gutter for collection. Bags, boxes, or loose material will not be collected. Containers must be returned to the yard for residences, or, for businesses or institutions, to the rear area of buildings or inside the building, by the customer on the day of collection.
- d. **Accepted Materials:** Newspapers, copy/printer paper, cereal boxes, shoe boxes, magazines, junk mail, paperback telephone books, green/brown/clear glass, broken-down corrugated cardboard boxes, gable-top cartons (i.e. milk cartons), aluminum beverage cans, aluminum/steel/tin cans, aluminum foil, and plastics No. 1- 2 are acceptable materials.
- e. **Prohibited Materials:** Mirrors, window or auto glass, light bulbs, ceramics, coat hangers, paint cans, aerosol cans, hard cover books, vinyl siding; Styrofoam or polystyrene, clamshell containers, PVC pipe/tubing, medical products, petroleum products, and hazardous waste containers.
- f. **Exceptional Volume/Weight:** In cases where recyclable materials produced regularly exceed the aforementioned volume limits, a private waste management contractor may be employed with the approval of the Public Works Director.
- g. **Fees and Charges:** The fees for recyclable waste collection services are defined in the Town's fee schedule available in the Town Clerk's office and on the Town website.

4. YARD DEBRIS COLLECTION SERVICES

- a. **Regular Collection Schedule:** The Public Works Department or its contractor will collect, remove, and dispose of residential yard debris within the Town limits once each week. Yard debris collection is not provided for nonresidential customers. The collection schedule shall be established by the Public Works Director with the approval of the Town Manager. Apartment and condominium complexes, campgrounds, trailer parks, and other similar operations are considered nonresidential for purposes of this section.
- b. **Containers and Volume/Weight Limits:** Containers are not required but may be used. Acceptable containers include plastic or metal garbage cans no larger than 35 gallons and weighing no more than 50 pounds when full. Containers must have fitted lids. Plastic bags are prohibited. Any yard debris placed curbside in a plastic bag will not be collected.

- c. **Point of Collection:** Leaves, grass clippings, small clippings, limbs, and branches and other permitted materials should be placed in acceptable containers or in piles curbside by 7 a.m. the day of collection. Individual limbs and branches must be smaller than 5 feet in length, 8 inches in diameter, and weigh less than 50 pounds. Piles must not exceed a total of 5 cubic yards (i.e. 4 feet high, 4 feet wide, and 8 feet long) and will not exceed a total weight of 150 pounds. Yard debris will be collected from a point adjacent to the public streets and should not be placed in the street or curb line gutter. Placing piles of leaves in the roadway is strictly prohibited. Containers must be returned to the yard by the customer on the day of collection.
- d. **Accepted Materials:** Leaves, grass clippings, small clippings, limbs, and branches smaller than 5 feet in length, 8 inches in diameter, and weighing less than 50 pounds.
- e. **Prohibited Materials:** Rocks, concrete, asphalt, dirt piles, limbs and branches exceeding 5 feet in length, 8 inches in diameter, or weighing more than 50 pounds. Debris generated by a lawn maintenance or landscape contractor or anyone other than the resident or homeowner.
- f. **Exceptional Volume/Weight:** Customers whose yard debris exceeds the aforementioned volume/weight Limits will incur collection fees as defined in the Town Fee Schedule.
- g. **Fees and Charges:** The fees for yard debris collection services are defined in the Town Fee Schedule available in the Town Clerk's office and on the Town website.

5. **BULK ITEMS AND CONSTRUCTION & DEMOLITION DEBRIS COLLECTION SERVICES**

- a. **Regular Collection Schedule:** Bulk items are collected by appointment only once a week by the Public Works Department. Bulk items collection is not provided for nonresidential customers such as apartment and condominium complexes, campgrounds, trailer parks and other similar operations. These are considered non-residential for purposes of this section. Customers can call or email publicworks@beaufortnc.org no later than 5 p.m. Monday of that week to schedule pickup, which is each Wednesday.
- b. **Containers and Volume/Weight Limits:** Containers are not required. Total amount of bulk items and construction and demolition debris placed out for collection at any one time must not exceed 5 cubic yards (i.e. 4 feet high, 4 feet wide, and 8 feet long).
- c. **Point of Collection:** Material is to be placed curbside no later than 7 a.m. on the day of collection.
- d. **Accepted Materials:** furniture, mattresses, wood, and household debris generated only by the resident or homeowner.
- e. **Prohibited Materials:** Tires, cement, concrete, brick, shingles, propane tanks, appliances, white goods, televisions, electronics, or any material generated by a contractor.
- f. **Fees and Charges:** Bulk items collection fees are defined in the Town fee schedule available in the Town Clerk's office and on the Town website.

6. **WATERFRONT BUSINESS DISTRICT SOLID WASTE COLLECTION SERVICES**

RESERVED

7. **PRIVATE ROADS**

- a. Persons, businesses, and home owner associations located on paved or unpaved private roads or lanes in Town are required to provide signed documentation to the Town

releasing it or its contractor of any and all damages to the substrate due to the equipment being used to collect the waste (automated unloaded 35,000 pounds, rear load unloaded 27,500 pounds).

§ 50.99 PENALTIES AND REMEDIES

Any person violating any provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by [§ 10.99](#). Each day such violation continues shall be deemed a separate offense. Nonpayment of the garbage collection fee shall not be considered a violation of the criminal law, but the town shall have the authority to discontinue garbage collection services once payment of the fee is delinquent as provided herein. Additionally, the town shall have the power to collect all delinquent accounts by any remedy provided by law for collecting and enforcing private debts.

(1992 Code, § 15-2) (Ord. passed 6-9-1980)

This resolution is effective upon adoption.

Adopted on motion of Commissioner _____, and carried on a vote of _____ in favor and _____ against.

This the 17th day of April, 2017.

Mayor Richard Stanley

Attest:

Jennifer Allen
Town Clerk