

Ordinance #24-0371
2024 Ordinance Book, Page 58

**ORDINANCE AMENDING CHAPTER 26, GARBAGE AND TRASH,
ARTICLE I. IN GENERAL**

BE IT ORDAINED, by the Mayor and City Council of the City of Winston-Salem as follows:

Section 1: Chapter 26, Article I, Section 26-3. Bulk container and other receptacles. is hereby amended to read as follows:

“Sec. 26-3. Bulk container and other receptacles.

- (a) *Required refuse containers.* Occupants, proprietors or owners of single-family residential units, multiple-family residential units, as well as retail and commercial establishments, where refuse is accumulated shall provide a sufficient number of refuse receptacles or bulk containers to contain all such refuse which may accumulate between the times of successive collections. In situations where the city provides these containers, the owners shall provide adequate space for the storage of the containers.
- (b) *Required recycling container area.* For all new development of multiple-family residential units which use bulk garbage collection containers, as well as for retail and commercial establishments which use bulk garbage collection containers, these developments shall establish a recycling container storage area adequately-sized to serve the new development and to meet all applicable building code and local ordinance requirements.
- (c) *Maintenance; location.* Each person mentioned in subsection (a) of this section shall cause the receptacle required by this section to be tightly covered at all times and maintained in a manner to prevent the creation of a nuisance or unsanitary condition. Receptacles that are broken, or otherwise fail to meet the requirements of this section, shall be replaced with acceptable receptacles. Residents with an exemption from curbside collection shall store receptacles in a place easily accessible to the collectors. They shall not be placed in garages, or inside fences or other enclosed premises unless access to the receptacles may be by means of a gate or the like, obviating the need for the receptacles to be lifted upon and over the enclosure. If a receptacle is placed within an enclosure, no other item may be stored along with it.
- (d) *Number.* Not more than three 96-gallon roll-out receptacles shall be emptied from the same premises at one collection.
- (e) *Mandatory use of bulk containers.*
 - (1) Business, commercial and retail establishments generating more than three 32-gallon refuse receptacles of refuse per week;

- (2) Any apartment development which contains more than ten individual dwelling units;
- (3) Any mobile home park, as defined in the city zoning ordinance, constructed or approved after adoption of the ordinance from which this chapter is derived and which contains more than ten lots; and
- (4) Residential condominium, townhouse or cluster home developments with a density of more than eight units per acre.

The assistant city manager/public works or his designee shall have the authority to: (i) require the use of bulk containers and the disposal of trash therein on a weekly basis or more often if necessary to avoid a public health nuisance by any residential developments for public health or safety reasons or may allow; (ii) require the use of approved bulk containers or receptacles by residential developments where bulk containers are not feasible or pose a public health or safety hazard, as determined by the assistant city manager/public works or his designee; and (iii) prohibit the accumulation of trash outside the bulk container or approved non-bulk container, which accumulation is hereby declared a nuisance. Due to the health issues associated with said nuisance, the assistant city manager/public works or his designee shall attempt to provide the property owner with a four-hour written notice of the nuisance and violation by hand delivery or by posting the subject property with said notice and shall afford, by way of said notice, the property owner an opportunity to abate the nuisance and the conditions that lead to the nuisance such as the lack of capacity within the container. If the property owner does not abate the nuisance within said four-hour time period, the assistant city manager/public works or his designee may abate the nuisance by removing the trash within and around the bulk container or approved non-bulk container. Pursuant to G.S. 160A-193(a) and (b), the expense of the action shall become a lien on the real property from which the trash was removed and on any other real property owned by the person in default within the city limits or within one mile of the city limits, except for the person's primary residence unless that is where the violation occurred. Non-profit organizations or agencies approved by the assistant city manager/public works or his designee to use 96-gallon roll out containers instead of bulk containers shall pay the city an annual fee for collection in the amount of \$100.00 per roll out container.

- (f) *Violations.* It shall be a violation of section 26-3 for anyone to fail to: (i) place, maintain, or dispose of garbage or refuse or (ii) empty yard trash receptacles, bulk containers, or non-bulk containers as specified in said section. A civil penalty of \$50.00 per violation shall be assessed against the violator or owner of the premises where the violation occurred. Except as otherwise provided, notification of such assessment shall be given to the property owner or violator within five business days after discovery of the violation by the city. When the city has to abate the nuisance, the following abatement and administrative fees will be charged to the property owner:
 - (1) Twenty-four dollars per crew member per hour (one hour minimum);
 - (2) Fifty dollars per truck per hour (one hour minimum);
 - (3) Thirty-six dollars landfill tipping fee; and
 - (4) Fifty dollars administrative fee (per invoice).
- (g) *Use of yard trash mobile roll-out containers.* Residents shall use approved roll-out containers only for yard trash. The initial cost of a yard container is \$65.00. These

containers will be collected year round. The cost of collection per container is \$65.00 per year, or any part thereof, ~~except that a reduced fee of \$55.00 shall be allowed once to the same occupant(s) at any given address when the collection service is purchased between January 1 and June 30~~ except that a pro-rated fee shall be allowed once to the same occupant(s) at any given address based on the month of the purchase date.

Prorated fees are summarized in the table below:

Month	July	August	September	October	November	December
<u>Fee</u>	<u>\$65.00</u>	<u>\$59.58</u>	<u>\$54.17</u>	<u>\$48.75</u>	<u>\$43.33</u>	<u>\$37.92</u>

Month	January	February	March	April	May	June
<u>Fee</u>	<u>\$32.50</u>	<u>\$27.08</u>	<u>\$21.67</u>	<u>\$16.25</u>	<u>\$10.83</u>	<u>\$5.42</u>

- (h) *Use of recycling mobile containers.* Residents shall use city provided roll-out containers only for recycling. These containers will be collected year round. Service for one additional recycling container may be purchased for a fee of \$30.00 per year.
- (i) Except as provided in subsection 26-3(e), a violation of section 26-3, or any part thereof, shall constitute a class 3 misdemeanor, as provided by G.S. 14-4, and shall subject the offender to a fine of not more than \$500.00.

Section 2: Chapter 26, Article I, Section 26-6. Collection from residential premises. is hereby amended to read as follows:

“Sec. 26-6. Collection from residential premises.

- (a) *Generally.* Except for those residences that are exempted from curbside collection, garbage and household trash, as defined in subsection 26-1(4)f. and 26-1(4)g., shall be collected curbside. Such collections shall be limited to a maximum of three 96-gallon refuse receptacles or a total capacity of 288 gallons per collection. The city will provide one 96-gallon container free to each single-family household that is not exempt from the curbside collection program. Additional carts may be provided for a collection cost of ~~\$40.00~~ \$65.00 per cart, per year, or any part thereof. Cart fee must be paid before delivery can be made.
- (b) *Excess household trash accumulation (curbside collection).* No additional bags may be placed outside the cart for collection. All garbage must be bagged using heavy-duty plastic bags and be completely contained within the cart, with the lid closed.
- (c) Residents may place the container at the curb no earlier than 5:00 p.m. on the day before the resident's normally scheduled collection day. Carts should be placed out no later than 6:00 a.m. on the normal day of collection. All carts should be removed from the curb by 8:00 a.m. the day after collection, unless collected on a Friday. Friday collection carts must be

removed by 8:00 a.m. Monday, unless the schedule is changed. Exceptions will be made during schedule changes due to emergencies or holidays.

- (d) *Leaves.* Accumulations of loose leaves placed along and behind the curblines shall be collected by the city vacuum leaf loading equipment from the period November 1 through January 15 of each leaf collection season. During this period, leaves shall not be mixed with other waste material, shall not be placed in the travelway of the street, and may only be containerized as set out in subsection 26-3(f).
- (e) *[Exemptions.]* Exemptions from the curbside collection requirements of this ordinance [Ordinance No. 4695] will be granted to households whose residents certify, in writing, using a city-approved form, that, due to physical impairment or other type of limitation (subject to verification by a medical professional), neither the resident nor anyone residing at their address can take their roll-out cart to the curb. Exempted households will be required to promptly report address changes and recertify that they qualify for this exemption every three years. It will be a violation of the city ordinance to provide false information for the purpose of obtaining an exemption from the curbside collection requirement of this ordinance. If the city determines that an individual who is exempted from the curbside collection requirement of this ordinance, has misrepresented the circumstances which make them eligible for the exemption, or if their circumstances have changed, and they are no longer eligible for the exemption, the city will revoke the exemption.
- (f) *Sunken garbage and trash receptacles.* These receptacles will not be collected by the city any longer. Residents with exemptions from curbside collection may not use sunken garbage and trash receptacles under the exemption policy. Only containers compatible with city equipment may be used for collection.
- (g) *Building materials.* Waste of this type originating from private property preliminary to, during or subsequent to the construction of new buildings, alterations or additions to existing buildings, of whatever type, or from demolition of existing structures, shall not be collected by the city. Such material shall be removed by the owner of the property or the contractor performing the work.
- (h) *Bulky household waste (large appliances, furniture, etc.).* Trash of this type shall not be collected by the city, except during the annual city-wide bulky item collection.
 - (1) It shall be unlawful to place large bulky household trash items such as stoves, refrigerators, water heaters, building materials, mattresses, bed springs, furniture or any other collectable trash material improperly prepared for collection on public property.
 - (2) A civil penalty of not less than \$50.00 and not more than \$500.00 will be assessed to violators of this subsection by the assistant city manager/public works, and notification of such assessment shall be given to the violator within five business days after discovery of the violation by the city. The amount assessed will be dependent upon a number of factors, including but not limited to the type of trash discarded, the volume of waste discarded, violation history, the reason for the violation and civil penalties previously imposed. If the city removes the trash, the cost of removal, as set forth in

subsection 26-5(d)(1) in addition to the civil penalty imposed shall be assessed to the violator.

- (i) *Historic districts.* The provisions of this ordinance which mandate curbside collection shall not apply to historic districts.
- (j) *Yard trash mobile roll-out containers.* These containers, as defined in subsection 26-1(3)e., shall be placed at the curblineline for collection. No more than three yard trash containers will be collected at each residence.
 - (1) No regularly scheduled collections shall be made by the city from vacant lots for any accumulations of garbage, trash, bulky items, junk, non-regulation brush or yard trash. Any accumulation of solid waste is the responsibility of the property owner as provided in this Code.
- (k) *Recycling roll-out mobile containers.* These containers, as defined in 26-1(g), shall be placed at the curblineline for collection.
- (l) Except as provided in subsection 26-6(h)(2), a violation of section 26-6, or any part thereof, shall constitute a class 3 misdemeanor, as provided by G.S. 14-4, and shall subject the offender to a fine of not more than \$500.00.”

Section 3. This ordinance shall become effective July 1, 2024.