

**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, 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 bulker 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. These containers will be collected year round. The cost of collection per container is ~~\$60.00~~\$65.00 per year, or any part thereof, except that a reduced fee of ~~\$50.00~~\$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.
- (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.

Section 2. This ordinance shall become effective July 1, 2019.