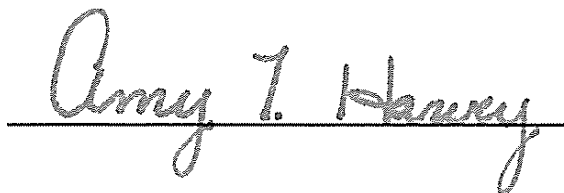


I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2021-06-28/O-2) enacted by the Chapel Hill Town Council on June 28, 2021.

This the 29th day of June, 2021.

A handwritten signature in cursive script that reads "Amy T. Harvey". The signature is written in black ink and is positioned above a solid horizontal line.

**Amy T. Harvey
Deputy Town Clerk**



AN ORDINANCE AMENDING CHAPTER 8 (GARBAGE, TRASH, AND REFUSE) AND CHAPTER 11, Art. III (NOISE) TO REMOVE CRIMINAL PENALTIES AND CLARIFY THE CIVIL ENFORCEMENT REMEDIES (2021-06-28/O-2)

WHEREAS, for the health, safety, and welfare of its residents and guests, the Town of Chapel Hill would benefit from a clear and effective set of remedies for violations of the Town’s noise ordinance and garbage ordinance to prevent repeated disruptive offenses; and

WHEREAS, the Council seeks to address violations of these ordinances through civil citations and civil court remedies rather than through criminal penalties that could have negative collateral consequences for persons in violation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that:

Section 1. Chapter 8 and Chapter 11, Art. III, of the Code of Ordinances, Town of Chapel Hill, North Carolina, is hereby amended in various sections as shown in the attached language.

Section 2. These provisions shall supersede other provisions of the Town Code in conflict.

Section 3. This ordinance shall become effective June 28, 2021.

This the 28th day of June, 2021.

ARTICLE III. - NOISE^[3]

Footnotes:

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Editor's note— Ord. No. 87-2-9/O-1, § 1, enacted Feb. 9, 1987, amended Art. III to read as herein set out in §§ 11-37—11-42. Formerly, Art. III, §§ 11-37—11-42, was derived from Ord. No. O-81-33, § 1, adopted May 11, 1981; Ord. No. O-81-61, § 1, adopted Sept. 14, 1981 and Ord. No. O-82-19, § 1, adopted March 8, 1982. Subsequently, Ord. No. 2001-09-24/O-8, § 1, amended Art. III, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Art. III pertained to similar subject matter. See the Code Comparative Table for a detailed analysis of inclusion.

State Law reference— City may regulate noise, G.S. § 160A-184.

Sec. 11-37. - Article designated noise control code.

This article shall be known as the "Noise Control Code for the Town of Chapel Hill."

(Ord. No. 2001-09-24/O-8, § 1)

Sec. 11-38. - Terminology and standards.

- (a) *Terminology.* Major terminology used in this article is defined below. Terms not defined herein shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.
- (1) *A-weighted sound level:* The sound pressure level in decibels as measured on a sound level meter using the A-frequency-weighted network and slow meter response setting. The level so read is designated dB(A).
 - (2) *Decibel (dB):* Unit of level when the base of the logarithm is the tenth root of ten (10) and the quantities concerned are proportional to power. Unit symbol, dB.
 - (3) *Sound pressure level:* Ten (10) times the logarithm to the base ten (10) of the ratio of the time-mean-square pressure of a sound, in a stated frequency band, to the square of the reference sound pressure in gases of twenty (20) micro Pa. Unit decibel (dB); abbreviation, SPL; symbol, Lp.
 - (4) *Sound level meter:* Device used to measure sound pressure levels with a standardized frequency weighting and indicated exponential time weighting for measurements of sound level, or without time weighting for measurement of time-average sound pressure level or sound exposure level.
 - (5) *Sound level weighted sound pressure level:* Ten (10) times the logarithm to the base ten (10) of the ratio of the squared A-frequency-weighted sound pressure to the squared reference sound pressure of twenty (20) micro Pa, the squared sound pressure being obtained with slow (S) (1,000 ms) exponentially weighted time-averaging selected. Unit decibel (dB). [However, herein the unit for A-frequency weighted measurements will be referred to simply as dB(A).]
 - (6) *Time-interval equivalent continuous A-frequency-weighted sound pressure level:* Ten (10) times the logarithm to the base ten (10) of the ratio of the time-mean-square instantaneous A-frequency-weighted sound pressure during a stated time interval T, to the square of the standard reference sound pressure. Unit, decibel (dB); abbreviated as $L_{Aeq,T}$

- (7) *Time-interval equivalent continuous band sound pressure level*: Sound pressure level for sound contained within a restricted frequency band during a stated time interval T. Unit, decibel (dB); abbreviated as $L_{b,eq,T}$.
 - (8) *Filters*: Herein refers to either an octave-band or one-third (1/3) octave-band frequency filter as defined in ANSI S1.1-1994. Measurements with the A-frequency weighting filter provide a single overall sound level for a noise source after the contribution of the low frequencies has been significantly reduced. Octave-band and one-third (1/3) octave-band filter measurements provide more accurate information about the frequency pitch characteristics of the noise source.
 - (9) *Emergency work*: Any work performed for the purposes of maintaining public safety, preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.
 - (10) *Steady-state sound*: A steady-state sound is one that exists twenty-five (25) percent of any one (1) measurement interval. A measurement interval is a continuous period of fifteen (15) seconds. Examples would include music sources, PA sounds, exhaust fan noise, heating and air-conditioner noise, etc.
 - (11) *Adjoining property*: Property which shares a contiguous boundary with another.
- (b) *Instrumentation, requirements and measurement procedures*: The instrumentation requirements, personnel training or qualifications and reporting procedures to be used in the measurement of sound as provided for in this section shall be those as specified herein:
- (1) Sound level measurements shall be obtained following the general guidelines outlined in the references listed below and as specified in documents formulated by the city pertaining to the enforcement of this code.
 - (2) Sound level meters shall be of a least Type Two as defined in ANSI S1. 4-1997 for integrating-averaging sound level meters. The sound measurement system shall be serviced and calibrated and operated as recommended by the manufacturer or as outlined in the general order defined in (4) below.
 - (3) Persons using the sound measuring equipment and related instrumentation shall be trained in its proper operation, use, and care.
 - (4) The town manager or manager's ~~his~~ designee shall issue a general order adopting standards and procedures for sound level measurements and enforcement consistent with this article.
- (c) *References*:
- (1) *ANSI S1.43-1997*. American National Standard Specifications for Integrating-Averaging Sound Level Meters. Standards Secretariat, Acoustical Society of America, New York, NY.
 - (2) *ANSI S1.4-1983 (R 1997)*. American National Standard Specification for Sound Level Meters. Standards Secretariat, Acoustical Society of America, New York, NY.
 - (3) *ANSI S2.11-1966 (R 1993)*. American National Standard Specifications for octave, half-octave, and third-octave band filter sets. Standards Secretariat, Acoustical Society of America, New York, NY.
 - (4) *ANSI S1.1-1994*. American National Standard Acoustical Terminology. Standards Secretariat, Acoustical Society of America, New York, NY.
 - (5) *ANSI S3.20-1995*. American National Standard Bioacoustical Terminology. Standards Secretariat, Acoustical Society of America, New York, NY.
 - (6) *ANSI S1.40-1984(R 1997)*. American National Standard Specification for Acoustical Calibrators. Standards Secretariat, Acoustical Society of America, New York, NY.

(Ord. No. 2001-09-24/O-8, § 1)

Sec. 11-39. - Maximum permitted steady-state sound levels and sound pressure levels.

(a) No person or group of persons shall operate, ~~or~~ cause to be operated, ~~or~~ allow to be operated any source of sound in such a manner as to create a root mean square (rms) steady-state sound level that exceeds the limits set forth either in Table 1 or in Table 2 when measured at any point on the boundary planes of the property line from which the sound originates, or beyond.

(1) *A-frequency-weighted sound pressure levels:*

Table 1. Maximum Sound Level Limitations at the Property Boundary—Plane by Primary Use Category, dBA

Primary Use Category	Daytime*	Nighttime*
Residential	50	45
Business, Office, Commercial, and Institutional	65	55
Shopping Center, Thoroughfare, and Industrial	70	65

* Daytime and nighttime are defined in section 11-39(d).

(2) *One-third octave-band sound pressure levels:*

Table 2. Maximum One-Third Octave-Band Sound Pressure Level Limitations At The Property Boundary—Plane by Primary Use Category, dB

One-Third Octave-Band Center Frequency, Hertz	One-Third Octave-Band SPL, dB			
	Residential	Business, Office, Commercial, Institutional	Daytime	Nighttime
16	83	78	98	88
20	75	70	90	80

25	67	62	82	72
31.5	60	55	75	65
40	57	52	72	62
50	56	51	71	61
63	55	50	70	60
80	54	49	69	59
100	53	48	68	58
125	52	47	67	57
160	51	46	66	56
200	50	45	65	55
250	49	44	64	54
315	47	42	62	52
400	45	40	60	50
500	43	38	58	48
630	41	36	56	46

- (b) In Table 2, the allowed one-third (1/3) octave-band sound pressure levels for the nighttime and daytime for the shopping center, thoroughfare and industrial boundaries are +5 and +10 dB higher than is defined for the daytime business, office and commercial, and institutional boundary planes.
- (c) When the primary use of the property where the noise is produced differs from the primary use of the adjoining sound-receiving property, then the maximum permitted sound levels or sound pressure levels which will apply are the lower of the levels shown in Tables 1 and 2 for the two (2) primary use categories involved.
- (d) For purposes of this article daytime is defined as 7:00 a.m. until 11:00 p.m. and nighttime is defined from 11:01 p.m. until 6:59 a.m. from Sunday through Thursday. For the days of Friday and Saturday daytime is defined as 7:00 a.m. until 12:00 a.m. and nighttime is defined as 12:01 a.m. until 6:59 a.m.

(Ord. No. 2001-09-24/O-8, § 1)

Sec. 11-39.1. - Nuisance noises.

- (a) It shall be unlawful to create, cause, or allow the continuance of any unreasonably loud noise, particularly during nighttime, which interferes seriously with neighboring residents' reasonable use of their properties. Steady state noises that do not exceed the allowable sound levels as defined in section 11-39(a)(1) and (2) are not nuisance noises. Nuisance noises may include, but are not limited to, the following:
- (1) Yelling, shouting, whistling or singing.
 - (2) Noisy parties.
 - (3) Loading operations. Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans, or other similar objects.
 - (4) Repair of motor vehicles. The repair, rebuilding or testing of any motor vehicle.
 - (5) Sound amplification equipment, television, or musical instrument.
 - (6) Horns and signaling devices (except as a warning of a safety hazard, danger or emergency).
 - (7) Vehicles not operating with original manufacturer-provided muffler, or equivalent, in good working order.
 - (8) Exterior and mobile loud speakers.
 - (9) Power equipment including but not limited to power tools, generators, and garden equipment.
 - (10) Explosives. The use or firing of explosives, firearms, fireworks or similar devices which create impulsive sound.
 - (11) Security alarms. The sounding of a security alarm, for more than twenty (20) minutes after the owner or responsible party has been notified by law enforcement personnel.
- (b) It shall be unlawful to operate a vehicle sound system on public or private property, or a boom box on public property, in such a manner that the sound emanating from such equipment is detectable at a distance of thirty (30) feet from the source.

(Ord. No. 2001-09-24/O-8, § 1; Ord. No. 2004-10-27/O-3, § 1; Ord. No. 2009-06-22/O-10, § 2)

Sec. 11-40. - Exceptions.

The following are exempt from the provisions of this article:

- (a) Sound emanating from regularly scheduled outdoor athletic events on the campus of the University of North Carolina, or on the grounds of local schools, or parks.
- (b) Construction operations from 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends for which building permits have been issued, or construction operations not requiring permits due to ownership of the project by an agency of government; providing all equipment is operated in accord with the manufacturer's specifications, and with all standard equipment, and with manufacturer's mufflers and noise-reducing equipment in use, and in proper operating condition.
- (c) Noises of safety signals, warning devices, emergency pressure relief valves, all church bells and the bells of the Bell Tower and the bell on South Building on the University of North Carolina campus.
- (d) Noises resulting from any authorized emergency vehicle when responding to any emergency call or acting in time of emergency.

- (e) Sound at street fairs conducted by or for the Town of Chapel Hill.
- (f) An official all-campus University of North Carolina event, held on the University Campus, no more than one (1) weekend in duration, occurring no more often than twice per year.
- (g) All noises coming from the normal operations of properly equipped aircraft (not including scale model aircraft).
- (h) All noises coming from normal operation of motor vehicles properly equipped with the manufacturer's standard mufflers and noise-reducing equipment.
- (i) Noise from lawful fireworks and noisemakers on holidays and at religious ceremonies.
- (j) Reserved.
- (k) Musical accompaniment or firearm discharge related to military ceremonies.
- (l) Emergency work necessary to maintain public safety, or to restore property to a safe condition following an accident or natural disaster, or to restore public utilities and infrastructure following an accident or natural disaster, or to protect persons or property from an imminent danger.
- (m) Noises resulting from the provision of government services necessary to maintain the public infrastructure.
- (n) Noises resulting from work performed by non-government agencies, provided that such work is necessary to maintain the public infrastructure, and that a permit for the work has been issued by the town.
- (o) Noises resulting from the provision of sanitation and recycling services between the hours of 5:30 a.m. and 11:00 p.m. in accordance with a permit issued by the manager.
- (p) Any other noise resulting from activities for which a permit allowing exemption from this article has been granted by the town. Regulation of noises emanating from operations under such permit shall be according to the conditions and limits stated on the permit.

(Ord. No. 2001-09-24/O-8, § 1; Ord. No. 2004-10-27/O-3, § 2; Ord. No. 2005-06-15/O-4, § 1; Ord. No. 2009-06-22/O-10, § 2)

Sec. 11-40.1. - Regulations applicable to leaf blowers and other motorized agricultural and landscape maintenance equipment.

Leaf blowers, lawn mowers and other motorized agricultural and landscape maintenance equipment shall be subject to the following regulations:

- (1) Leaf blowers, lawn mowers and other motorized agricultural and landscape maintenance machinery shall be operated only with all manufacturer-supplied emission control devices and noise muffling equipment in proper working order.
- (2) Leaf blowers, lawn mowers and other motorized agricultural and landscape maintenance machinery may be used during the following time periods based on the zoning designation of the property and contiguous property:
 - a. On property zoned one of the residential zoning classifications under the town's Land Use Management Ordinance (R-6, R-5, R-4, R-3, R-2, R-2A, R-1, R-1A, R-LD-1, and R-LD-5), and on parts of any property not so zoned but contiguous to property carrying such designation, within one hundred (100) feet of the residentially zoned property, such equipment may only be operated between the hours of 8:00 a.m. and 7:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 5:00 p.m. Saturday and Sunday. However, commercial golf courses shall operate such equipment only between the hours of 6:30 a.m. and 5:00 p.m. Monday through Friday and between the hours of 6:30 a.m. and 5:00 p.m. Saturday and Sunday.

- b. On property zoned for any other purpose not meeting the contiguity standard in subsection (1), said equipment may only be operated between the hours of 4:00 a.m. and 9:00 p.m. Monday through Friday and between the hours of 8:00 a.m. and 5:00 p.m. on Saturday and Sunday.
- (3) Notwithstanding the provisions of subsection (2), the town manager is authorized to direct the use by town staff and town agents of such motorized machinery at other hours when such use is necessary to clean or restore public properties following scheduled or unscheduled special events.
- (4) Leaf blowers, lawn mowers and any other motorized agricultural and landscape maintenance machinery shall be operated and controlled by the handler so that the decibel level generated by said equipment does not exceed sixty-five (65) dBA when measured, off of the premises where the equipment is used, at a distance of fifty (50) feet from the location of use. Equipment that would otherwise exceed this standard shall be operated at a reduced intensity in order to meet this standard when the operator is made aware of persons present within the nearby vicinity. This subsection shall not apply to commercial golf courses.
- (5) These specific regulations shall not mean that the use of such equipment is not further subject to the nuisance provisions contained in section 11-39.1 of this chapter.
- (6) The town manager is authorized to issue permits to exempt property owners from the time periods set out in this section on a case by case basis where a property owner applies for a permit to conduct maintenance activity on his/her own property and presents documentation from a physician that due to a medical condition the individual should not be engaging in the landscape maintenance activity during the time periods where such activity is otherwise permitted due to the individual's sensitivity to heat or other conditions existing during such time periods.

(Ord. No. 2005-06-15/O-4, § 2; [Ord. No. 2014-11-24/O-1, § 1](#))

Sec. 11-41. - Permit to exceed noise limits.

- (a) A person or group of persons may apply for a permit specific to the time and place of a planned activity in order to produce or cause to be produced sound no more than ten (10) dB in excess of the sound limits specified in section 11-39 only during the daytime hours on Friday and Saturday.
- (b) Any person or group of persons desiring a permit shall apply as provided herein and shall provide all information required.
- (c) Any person desiring a permit to exceed the sound level limits as specified herein and for the allowed times must apply seven (7) days prior to the activity for which the permit is requested.
- (d) In considering and acting on all requests or permits pursuant to this article, the town manager shall consider, but shall not be limited to the following, in issuing or denying such permit: The timeliness of the application; the nature of the requested activity or event; the time of the event; the duration of the event; other activities in the vicinity of the location proposed; the frequency of the application; the effect of the activity on the residential areas of the town; previous experience with the applicant; and previous violations, if any, of the applicant.
- (e) In addition, in order to issue a permit, the manager must determine that granting such a permit would have minimum or no impact on the surrounding area, or that the event is of a community-wide nature.
- (f) A permit granted under this section will require the payment of a fifty dollar (\$50.00) administrative fee.
- (g) Permit holders agree to contact at least one (1) adult at every residential address within two hundred fifty (250) feet of the property boundary of the site for which the permit has been issued. Such notification must be made in writing using the notification form provided by the police department, and be done at least seventy-two (72) hours prior to the starting time of the permit.

- (h) Permit holders agree to cooperate with town officials in enforcing this noise ordinance by having the signer(s) of the permit available at the site of the event during the entire time for which a permit has been issued and capable of assisting town officials in enforcing the noise ordinance

(Ord. No. 2001-09-24/O-8, § 1)

Sec. 11-42. - Violations.

- (a) ~~When it is reasonable and practical to do so, a~~ A person believed to be violating any portion of this article may be given an oral order to cease or abate the noise immediately, or as soon as is reasonable or practical. If the person does not comply with the order to cease or abate the noise, the person or persons responsible for the noise or for allowing the continuation of the noise may be cited for a violation. prior to being charged with a violation. An order to cease or abate is not a prerequisite to issuance of a citation.
- (b) ~~If the order to cease or abate the noise is not complied with, the person or persons responsible for the violation may be charged with a violation of this article.~~
- (~~b~~ e) A person or group of persons will not be deemed to have violated section 11-39.1(a) of this article unless the noise being created, caused, or allowed to continue by said person(s) is reported on at least two (2) occasions, at least twenty (20) minutes apart, by different complainants at two (2) different locations, or unless the noise is of such a nature that a reasonable person should have known that the noise was a nuisance as defined in section 11-39.1(a).
- (~~c~~ d) Steady-state sounds, created by existing sources and/or equipment in place and operational prior to the effective date of this article, and maintained in good working order, are not violations of this article if the sound levels created do not exceed the limits allowed by ordinance prior to the effective date of this article.

(Ord. No. 2001-09-24/O-8, § 1)

Sec. 11-43. - Penalties and enforcement.

- (a) Any violation of this article within a twelve-month period subjects the offender to a civil citation and the following civil penalties:
 - (1) First violation: Written warning and/or twenty-five dollars (\$25.00).
 - (2) Second violation: Seventy-five dollars (\$75.00).
 - (3) Third violation: One hundred and fifty dollars (\$150.00).
 - (4) Fourth and subsequent violations: Two-hundred and fifty dollars (\$250.00) up to maximum of five hundred dollars (\$500.00).
- (b) A violation that continues after the Town notifies the offender of the violation or issues a citation for the violation constitutes an additional violation subject to further civil penalty.
- (c) Appeal. A person assessed a civil penalty under this section may appeal to the manager or manager's designee by filing an appeal within fifteen (15) days of receipt of the citation. The manager or designee shall conduct an administrative hearing during which the appealing party may present any material information in support of the appeal. The manager or designee shall render a decision within fifteen (15) days of the hearing.
- (d) The Town may collect unpaid penalties through a civil action in the nature of a debt. A penalty is deemed unpaid if not paid within 30 days after receipt of the citation or conclusion of appeals. The manager is authorized to reach equitable settlement of unpaid penalties.

- (e) The Town may also enforce this article by seeking an equitable remedy, including but not limited to injunctive relief or order of abatement.
- (f) Violation of section 11-41 of this article is cause for immediate revocation of a permit to exceed normal sound limits.
- (g) The manager or the manager's designee may deny a request to receive a permit to exceed the normal sound limits to any person or group of persons who have, within the previous six (6) months, violated any provision of this article.

- ~~(a) Any violation of this article is a misdemeanor and is punishable by a fine not to exceed one hundred fifty dollars (\$150.00), imprisonment for not more than ten (10) days, or both.~~
- ~~(b) Violation of section 11-41 of this article is cause for immediate revocation of a permit to exceed normal sound limits.~~
- ~~(c) The town manager or the town manager's designee may deny a request to receive a permit to exceed the normal sound limits to any person or group of persons who have, within the previous six (6) months, violated any condition of this article.~~
- ~~(d) Violations of this article may also be enforced by assessment of a civil penalty of up to five hundred dollars (\$500.00) per day as provided by law. Each day that a violation continues shall constitute a separate offense. The manager shall determine the amount of the civil penalty to be assessed under this section, shall make written demand for payment upon the person responsible for the violation, and shall set forth in detail the violation for which the penalty has been invoked. If payment is not received or equitable settlement reached within sixty (60) days after demand for payment is made, a civil action may be initiated to collect said penalty. In determining the amount of the penalty the manager shall consider the extent of the inconvenience or harm inflicted by the violation, whether the violation was committed willfully, and the prior record of the violator in complying or failing to comply with the ordinance.~~
- ~~(e) In addition to the civil and criminal penalties, the town may institute legal procedures for injunctive relief for any violation of the article.~~

(Ord. No. 2001-09-24/O-8, § 1)

Secs. 11-44—11-52. - Reserved.

Chapter 8 - GARBAGE, TRASH AND REFUSE^[1]

Footnotes:

--- (1) ---

Cross reference— Storage of junk, etc., and removal of dead trees, weeds, etc., required by housing code, § 9-114; disposal of rubbish and garbage required by housing code, § 9-129 et seq.; licenses and business regulations, Ch. 10; insanitary conditions on premises, § 11-22.

State Law reference— City may regulate illegal disposal of solid waste, littering, G.S. § 160A-185; authority to regulate disposal of trash within municipal limits, G.S. § 160A-303.1.

ARTICLE I. - IN GENERAL

Sec. 8-1. - Throwing handbills and advertising sheets.

The promiscuous throwing of handbills and advertising sheets in sufficient quantities to be a nuisance is strictly forbidden.

(Comp. 1961, p. 53, § 1)

Cross reference— Signs and advertising, Ch. 16.

Sec. 8-2. - Reserved.

Editor's note— Ord. No. 93-1-11/O-2, § 1, adopted Jan. 11, 1993, amended the Code by deleting provisions contained in § 8-2. Said provisions pertained to the town's use of cans placed on the street by property owners and tenants and derived from the 1961 Compilation, p. 240, § § 1 and 2.

Sec. 8-3. - Accumulations of garbage, household refuse, yard waste, etc., on premises prohibited.

Every person or association operating or maintaining a house, store, factory, fraternity or sorority house, hotel, school, boarding house, restaurant or any commercial establishment of any kind within the town shall keep the premises whereon such operations are conducted free from accumulations of household refuse, yard waste, tin cans, rags, boxes, barrels, bottles, pallets, debris, garbage and other waste materials.

(Comp. 1961, p. 239, § 1; Ord. No. 93-1-11/O-2, § 2)

Cross reference— Insanitary conditions on premises, § 11-22 et seq.

Sec. 8-4. - Depositing garbage, etc., in street, sidewalk, public place.

It shall be unlawful to place or cause to be placed or deposited any garbage, household refuse, yard waste, tin cans, bottles, barrels, boxes, pallets, rags, debris and other waste materials in any street, right-of-way, alley, sidewalk or other public place in the town except as may be hereafter authorized and approved.

(Comp. 1961, p. 239, § 2; Ord. of 5-11-64, § 1; Ord. No. 93-1-11/O-2, § 3)

Cross reference— Drive-in restaurants, § 10-49 et seq.; streets and sidewalks, Ch. 17; traffic, Ch. 21.

Sec. 8-5. - Garbage, household waste, yard waste and recycling containers; construction; location.

Any person or association referred to in section 8-3, and receiving once weekly curbside service, shall provide suitable standard metal or plastic receptacles, generally known as garbage cans, for deposit of garbage, household refuse, and other refuse. Said receptacles shall be of thirty-two (32) gallon capacity or less and shall be watertight, of fly-proof construction and with a tight-fitting lid when used for wet garbage or other decomposable material. Such receptacles shall weigh sixteen (16) pounds or less when empty and may not be loaded with more than forty-five (45) pounds of refuse at a time. Residents may choose to utilize a mobile refuse cart provided by the town. Unless granted an exemption by the town due to age or health, once weekly service collections will be curbside. Receptacles for refuse, yard waste and recycling shall be conveniently located at the curb, but shall in no case be placed on the street or sidewalk as to create a hazard or interfere with traffic. Refuse and yard waste is to be placed at the curb before 6:00 a.m. on collection days, and recyclables are to be placed at the curb before 7:00 a.m. on collection days. Refuse, yard waste and recycling containers shall be removed from their curbside location before 7:00 p.m. on the day of collection.

(Comp. 1961, p. 239, § 3; Ord. No. O-77-25, § 1, 5-9-77; Ord. No. 93-1-11/O-2, § 4; Ord. No. 2001-02-26/O-2, § 1; Ord. No. [2014-11-10/O-1](#), § 1)

Editor's note— Sec. 8-21(m), derived from § 1(m) of an ordinance enacted Oct. 26, 1970, provides that a refuse receptacle shall have a capacity of not less than 10 nor more than 30 gallons.

State Law reference— Authority of town to require garbage receptacles, G.S. § 160-233.

Sec. 8-6. - Additional garbage storage facilities.

When the accumulation of garbage and refuse on any premises is of sufficient volume to require additional garbage and refuse storage facilities, the occupants thereof shall provide such additional storage facilities as may be required and approved by the town manager and the health officer.

(Comp. 1961, p. 239, § 4)

Sec. 8-7. - Collection service charges.

The charge to be assessed and collected from persons operating business within the town which require and receive special collection services with respect to garbage, trash, and rubbish, shall be as follows:

- (a) An annual charge of two hundred and fifty dollars (\$250.00) for seven (7) or fewer cans and an additional charge of thirty-six dollars (\$36.00) per can for cans beyond seven (7) shall apply to any such business; and
- (b) An annual charge of two hundred dollars (\$200.00) per front-loading bulk container and two hundred and fifty dollars (\$250.00) per any other container larger than a can shall be charged and assessed against any such business.

(Ord. of 6-8-70, § 1, Ord. No. O-76-19, § 1, 5-10-76; Ord. No. O-80-30, 5-26-80)

Editor's note— Sec. 8-38, derived from § 3(b) of an ordinance enacted Oct. 26, 1970, provides that additional collections of commercial refuse shall be made in accordance with the schedule of fees adopted by the council.

Sec. 8-8. - Reserved.

Editor's note— Ord. No. O-76-22, § 1, enacted June 14, 1976, repealed § 8-8 requiring a permit for use of the landfill operated by the town and establishing fees for the use thereof. Said section was derived from Ord. of March 27, 1962, § 1; Ord. of Jan. 23, 1967, § 1; Ord. No. O-72-5, § 1, adopted Jan. 24, 1972; and Ord. No. O-72-10, § 1, adopted May 1, 1972.

Sec. 8-9. - Reserved.

Editor's note— Section 8-9 was repealed by Ord. No. O-77-25, § 1, adopted May 9, 1977. Said section was derived from Ord. of March 27, 1962, § 2, and established days and hours when the landfill operated by the town would be open.

Sec. 8-10. - Intentional burning of autos, auto tires.

It shall be unlawful for any person to intentionally set fire to, burn, or cause to be burned, any motor vehicle or substantial part thereof, or any tire designed for use on any motor vehicle, within the corporate limits.

(Ord. of 1-19-70, § 1)

Cross reference— Fire prevention and protection, Ch. 7.

Sec. 8-11. - Penalties.

- (a) Any violation of section 8-1, 8-3, 8-4, 8-5, 8-6, or 8-10 during a twelve-month period subjects the offender to a civil citation and the following civil penalties:
 - (1) First violation: Written warning and/or twenty-five dollars (\$25.00).
 - (2) Second violation: Seventy-five dollars (\$75.00).
 - (3) Third violation: One hundred and fifty dollars (\$150.00).
 - (4) Fourth and subsequent violations: Two-hundred and fifty dollars (\$250.00) up to maximum of five hundred dollars (\$500.00).
- (b) A violation that continues after the Town notifies the offender of the violation or issues a citation for the violation constitutes an additional violation subject to further civil penalty.
- (c) Appeal. A person assessed a civil penalty under this section may appeal to the manager or manager's designee by filing an appeal within fifteen (15) days of receipt of the citation. The manager or designee shall conduct an administrative hearing during which the appealing party may present any material information in support of the appeal. The manager or designee shall render a decision within fifteen (15) days of the hearing.

- (d) The Town may collect unpaid penalties through a civil action in the nature of a debt. A penalty is deemed unpaid if not paid within 30 days after receipt of the citation or conclusion of appeals. The manager is authorized to reach equitable settlement of unpaid penalties.
- (e) The Town may also enforce this article by seeking an equitable remedy, including but not limited to injunctive relief or order of abatement.

(Ord. No. 92-4-13/O-4, § 5)

Secs. 8-12—8-20. - Reserved.

ARTICLE II. - REGULATIONS FOR COLLECTION AND DISPOSAL^[2]

Footnotes:

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Editor's note— Art. II is derived from §§ 1—3 of an ordinance enacted Oct. 26, 1970. Said ordinance did not expressly amend this Code, hence codification of §§ 1—3 as Art. II, §§ 8-21—8-42, was at the discretion of the editors. The word "ordinance" was changed to "article" and §§ 4 and 5, directory provisions, were deleted to preserve Code format; and italicized catch phrases were added, where appropriate, to facilitate indexing and reference.

Cross reference— Storage of junk, etc., removal of dead trees, weeds, etc., required by housing code, § 9-114; disposal of rubbish and garbage required by housing code, § 9-129 et seq.

State Law reference— Authority of town to provide for removal of garbage and trash, G.S., § 160-233.

Sec. 8-21. - Definitions.

For the purposes of this article the following words and phrases are defined as follows:

- (a) *Animal litter*. The term "animal litter" shall mean droppings from cats, dogs, birds or other animals and material used in pens, cages or animal boxes.
- (b) *Ashes*. The term "ashes" shall mean refuse resulting from the burning of wood, coal, coke or other combustible material which has no live embers.
- (bb) *Reserved*.
- (c) *Building materials*. The term "building materials" shall mean materials such as lumber, bricks, plaster, soil, rock and other substances accumulated as a result of repairs to existing buildings, construction of new buildings, or landscaping.
- (d) *Bulk container*. The term "bulk container" shall mean a tightly constructed metal container of two (2) cubic yards or greater capacity and of a design approved by the town manager as being capable of being emptied by town equipment.
- (dd) *Bundle*. Yard and garden waste securely tied together forming an easily handled package not exceeding four (4) feet in length or weighing more than fifty (50) pounds.
- (e) *Central business district*.^[3] The term "central business district" shall mean anywhere in the area zoned central business.

- (f) *Commercial refuse.* The term "commercial refuse" shall mean all refuse (other than ashes, dead animals, yard waste, hazardous refuse or animal litter), incident to the ordinary conduct of retail, wholesale or commercial businesses.
- (ff) *Compactor.* An electrically operated, fully enclosed bulk commercial refuse container, provided by the town, that is accessible for disposal of refuse only by use of an assigned key.
- (fff) *Corrugated cardboard.* Three-layered cardboard material with a middle, wavy layer. Nonrecyclable cardboard, such as waxed boxes, cardboard adhered to packing material (such as styrofoam or wooden or plastic supports) and cardboard saturated with motor oil or foodstuffs in its normal use before disposal are excluded from this definition.
- (g) *Garbage.* The word "garbage" shall mean the refuse of animal or vegetable foodstuffs resulting from the handling, preparation, cooking and consumption of food.
- (h) *Hazardous refuse.* The term "hazardous refuse" shall mean materials such as poison, acids, caustics, infected materials and explosives.
- (i) *Household refuse.* The term "household refuse" shall mean all refuse (other than ashes, or dead animals, yard waste, hazardous refuse and animal litter) incident to the ordinary conduct of the household which can be placed in thirty-two (32) gallon containers, or town-provided mobile refuse carts. This shall include garbage, rubber, paper, rags, cans, boxes, cartons, glass, crockery, dust, etc.
- (j) *Industrial waste.* The term "industrial waste" shall mean all waste generated from factories, processing plants and other manufacturing enterprises.
- (k) *Multiple residential development.* For the purposes of section 8-35, a multiple residential development is a development with six (6) or more residential units per zoning lot, regardless of whether said units are in unified, condominium or other form of ownership. For purposes of this section only, individual subdivided townhouse lots within a planned development or approved multifamily development shall not be considered separate zoning lots; instead, the applicable zoning lot shall be deemed to be the planned development or approved multifamily development.
- (l) *Person.* The term "person" shall mean a person, group of persons, firm, company, corporation or association.
- (m) *Refuse receptacles.* The term "refuse receptacles" shall mean a mobile refuse cart or a can or container of metal or plastic and of substantial construction, watertight with tight fitting lid, provided with handles sufficient for safe and convenient handling, which shall be kept in serviceable condition and covered at all times. Such receptacles shall have a capacity of not less than ten (10) gallons nor more than thirty-two (32) gallons. Receptacles must be approved by the solid waste services division. Mobile refuse carts will be available from the town.
- (n) *Retail, wholesale and commercial.* The term "retail, wholesale and commercial" shall mean any office, retail store, wholesale store, bottling plants, printing establishments, service station, religious, charitable or government offices, private clubs, schools and hospitals.
- (o) *Rubbish.* The term "rubbish" shall mean a variety of both combustible and noncombustible solid waste materials, except garbage and yard waste; and the term shall include wood other than that which meets the definition of yard waste; ashes, leaves, grass clippings, small appliances, etc.
- (p) *Small dead animals.* The term "small dead animals" shall mean cats, dogs and other animals of similar size.
- (q) *Yard waste.* Those organic materials commonly consisting of leaves, grass, weeds, hedge clippings, yard and garden waste, Christmas trees, pine straw, branches, small logs, twigs and all vegetative matter resulting from residential landscaping activities.
- (r) *Yard waste container.* Reusable (rigid) containers (refuse receptacles) made of plastic, metal or fiberglass with a capacity of no more than approximately forty (40) gallons and a loaded weight not to exceed sixty (60) pounds. These containers shall have a tight fitting lid and handles of adequate strength for lifting.

(Ord. of 10-26-70, § 1; Ord. No. O-77-25, § 1, 5-9-77; Ord. No. O-82-39, § 1, 6-14-82; Ord. No. 91-1-14/O-1, §§ 1, 2; Ord. No. 93-1-11/O-2, §§ 6-11; Ord. No. 94-3-16/0-1, § 1; Ord. No. 96-3-25/O-2, § 1; Ord. No. 2001-02-26/O-2, § 2)

Footnotes:

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Editor's note— Pursuant to the city's 1981 zoning ordinance, there are now "town center districts" in lieu of a central business district.

Sec. 8-22. - Reserved.

Editor's note— Ord. No. 2001-02-26/O-2, § 3, repealed § 8-22, which pertained to scope, applicability of pre-collection practices. See the Code Comparative Table.

Sec. 8-23. - Refuse receptacles required.

Every person producing or having garbage or household refuse collected by the town shall provide and keep on the premises or property owned, occupied or used by the person, refuse receptacles or bulk containers to handle all accumulations of garbage and household refuse on said premises or property in the interval between collections by the town. (The exceptions are those premises/properties located in a designated downtown disposal area served by a town-provided compactor and those premises/properties outside the designated area that request and are accepted by the town manager to be included.) Every such person shall dispose of all household refuse and garbage which accumulates on the premises in a clean and sanitary manner by placing it in the refuse receptacle, yard waste containers, bulk containers or compactors in order to protect the safety and health of town employees and the public at large. All garbage and household refuse shall be placed in watertight bags and secured at the top to prevent spillage before being placed in refuse receptacles. The town will not make pickups from condemned refuse receptacles, yard waste containers and bulk containers.

(Ord. of 10-26-70, § 2(a); Ord. No. O-77-25, § 1, 5-9-77; Ord. No. 93-1-11/O-2, § 12; 94-3-16/O-1, § 2; Ord. No. 97-11-24/O-3, § 1, 11-24-97)

Sec. 8-24. - Rubbish disposal.

Kraft board, wooden crates, or other rubbish shall be flattened and tied in bundles of such size that they can be handled by one collector or placed in either plastic bags, heavy paper bags, or refuse receptacles. Such bundles, bags, etc. shall be placed at the front of the premises or immediately adjacent to that portion of the street right-of-way normally used by vehicles or pedestrians.

Furniture and appliances may be placed behind the curb for special pickup after the public works department has been notified.

(Ord. of 10-26-70, § 2(b); Ord. No. O-77-25, § 1, 5-9-77; Ord. No. O-78-30, § 1, 5-22-78; Ord. No. 91-1-14/O-1, § 4; Ord. No. 93-1-11/O-2, § 13; Ord. No. 96-3-25/O-2, § 2)

Sec. 8-24.1. - Brush disposal.

Yard waste materials should be kept separate from and shall not be mixed with any other solid waste material for the purposes of residential collection by the town.

- (a) During the annual fall and winter leaf collection season (October 15 through March 15), residents desiring leaf waste collection by the town shall rake their leaves to a place behind the existing curbline of the street, or, where no such curbline exists, the leaves shall be placed off the street pavement and between the roadside ditch and the front property line.
- (b) Residents of the town desiring yard waste material collection shall place that material in rigid yard waste containers behind the existing curbline of the street, or, where no such curbline exists, that material shall be placed off the street pavement and between the roadside ditch and the front property line. Yard waste materials such as limbs, twigs, shrubs, plant or hedge clippings should be tied securely in bundles not heavier than fifty (50) pounds, not more than four (4) feet in length and not more than twenty-four (24) inches in diameter, so that they can be handled by one person.

All such bundled yard waste material shall be placed behind the existing curbline of the street or, where no such curblines exist, the bundled yard waste material shall be placed off the street pavement and between the roadside ditch and the front property line. There is no restriction regarding the quantity of prepared yard waste placed at the curb for collection at any one time.

Yard waste (brush) which is in loose piles not exceeding three (3) cubic yards in size may be placed behind the existing curbline of the street or, where no such curblines exist, the maximum three (3) cubic yard pile of brush shall be placed off the street pavement and between the roadside ditch and front property line. Piles exceeding three (3) cubic yards will not be collected and the resident/owner will be responsible for their removal. Loose piles of pine straw, leaves or grass will not be collected except through the annual leaf collection program and must be placed in a yard waste container otherwise.

- (c) Residents of the town who, because of the nature or quantity of yard waste, or otherwise do not wish to prepare their materials as described in subsection (b) above, may utilize the town bulk yard waste container rental system. By appointment only, the town will deliver a bulk container of approximately fourteen-cubic yard capacity to the residence leaving it in a location both accessible to the delivery truck as well as convenient to the resident. They will be located on the resident's property when possible. The resident loads the container and the town returns, usually the next day, to collect and dispose of the loaded yard waste materials. Materials are to be manually loaded only (no machine loading permitted).

(Ord. No. 91-1-14/O-1, § 3; Ord. No. 93-1-11/O-2, § 14)

Sec. 8-24.2. - Yard waste collection schedules.

- (a) Curbside yard collection is performed on an unscheduled basis.
- (b) Bulk yard waste container service is scheduled by calling the public works department and scheduling a date on which the container is to be delivered, on a first come, first served basis. Monday through Thursday, the containers are delivered in the morning and collected the following morning. Fridays, the containers are delivered in the morning and collected on the following Monday morning.

(Ord. No. 93-1-11/O-2, § 15)

Sec. 8-24.3. - Limitations on service.

- (a) All yard waste materials not prepared and handled in accordance with the provisions of this policy shall not be collected by the town.
- (b) Grass, leaves or pine straw will not be collected in loose piles. These materials must be placed in a yard waste container for collection (except during the annual leaf collection season).
- (c) No materials such as trees, logs, stumps, shrubbery or underbrush resulting from land being cleared shall be collected by the town and shall be the responsibility of the contractor or builder. In the event

that the contractor or builder fails to remove such material, it shall be the responsibility of the owner of the property.

- (d) Curbside yard waste collection service shall be provided only to residential solid waste customers of the town. This service will not be provided to institutional, business, commercial or industrial solid waste collection customers (except for the fall and winter leaf collection using leaf vacuum machines).
- (e) Plastic bags are not acceptable yard waste containers.
- (f) Dumpsters (commercial/multifamily bulk containers) containing yard waste will not be collected.
- (g) All tinsel, nails, screws, wires, ribbon and other nonvegetative material shall be removed from Christmas trees by the resident prior to being set out for collection. Wreaths may be set out by residents for collection provided that the wreaths are free from wire, screws, metal frames and any/all other nonvegetative material.
- (h) Loose piles of yard waste (brush) exceeding three (3) cubic yards will not be collected.

(Ord. No. 93-1-11/O-2, § 16)

Sec. 8-24.4. - Disposal of yard waste material.

- (a) All yard waste material shall be disposed of in accordance with all applicable local ordinances and state and federal rules and regulations.
- (b) No person shall burn yard waste material in the town without acquiring special permission from the town's fire marshall.
- (c) Home composting of yard waste is encouraged by the town and information or assistance is available from the town's public works department upon request.

(Ord. No. 93-1-11/O-2, § 17)

Sec. 8-25. - Problem refuse.

- (a) No ashes, tires, large pieces of metal or other objects likely to damage packer trucks will be picked up by the town. Such objects shall not be placed in receptacles or containers intended for town collection.
- (b) Objects containing human waste such as used diapers, prophylactics and sanitary napkins shall be placed in sealed, watertight bags or containers before being placed in garbage cans.
- (c) Animal litter shall be placed in watertight bags or containers and placed behind the curb for rubbish pickup.
- (d) No stumps or logs weighing seventy-five (75) pounds or more, and no stones will be picked up by the town. Such objects shall not be placed in receptacles or containers intended for town collection.

(Ord. of 10-26-70, § 2(c); Ord. No. O-77-25, § 1, 5-9-77; Ord. No. O-77-30, § 2, 5-22-78)

Sec. 8-26. - No cardboard to be placed in bulk containers and compactors.

- (a) No cardboard shall be placed in public or private bulk containers or compactors for collection and disposal at the Orange Regional Landfill.
- (b) No person shall purposely contaminate any corrugated cardboard to make it not recyclable and then place it in any public or private bulk container for disposal at the Orange Regional Landfill.

(Ord. No. 96-3-25/O-2, § 3)

Editor's note— Ord. No. 93-1-11/O-2, § 18, adopted Jan. 11, 1993, amended the Code by repealing provisions contained in § 8-26. Said provisions pertained to the disposal of leaves and pine straw and derived from an ordinance adopted Oct. 26, 1970, § 2(d); Ord. No. O-77-25, § 1, adopted May 9, 1977. Ord. No. 96-3-25/O-2, § 3, adopted March 3, 1996, added a new § 8-26 to read as herein set out.

Sec. 8-27. - Refuse receptacles, bulk containers for retail, wholesale and commercial establishments.

Retail, wholesale and commercial establishments shall be limited to seven (7) refuse receptacles, or one bulk container unless arrangements have been made for additional collections and services. In the event that an establishment is located in a designated downtown disposal area served by a town-provided compactor, refuse receptacles used for any purpose other than transporting waste generated on the premises to the compactor will not be serviced by the town.

(Ord. of 10-26-70, § 2(e); Ord. No. 94-3-16/O-1, § 3)

Sec. 8-28. - Location, accessibility of refuse receptacles and bulk containers.

Bulk containers and containers utilized for once weekly residential curbside collections shall be kept in a place easily accessible to the town equipment and no service shall be given to those establishments or residences permitting objects, obstructions, or vehicles to hinder in any way whatsoever the servicing of said bulk containers or containers utilized for once weekly residential curbside collections. No refuse receptacles will be picked up from enclosed areas which are used to store anything besides refuse, or from locations or storage areas which create an unreasonable risk of injury to town personnel. When town personnel must pass through gates or other barriers to pick up refuse the town will not be responsible for damage caused to the barrier or by leaving it open.

(Ord. of 10-26-70, § 2(f); Ord. No. O-77-25, § 1, 5-9-77; Ord. No. 2001-02-26/O-2, § 4)

Sec. 8-29. - Disposal of industrial waste.

Industrial waste shall be collected, removed and disposed of by the operator of the factory, plant or enterprise creating or causing the same.

(Ord. of 10-26-70, § 2(g))

Sec. 8-30. - Prohibited deposits of hazardous, explosive, similar refuse.

No explosive substance, hazardous refuse, poisons, liquid wastes, or hazardous chemicals shall be placed in any receptacle used for collection of refuse by the town.

(Ord. of 10-26-70, § 2(h))

Sec. 8-31. - Responsibility of owner of container for materials placed for disposal.

- (a) The owner of any bulk container or compactor used for the disposal of solid waste which is intended to be delivered to the Orange Regional Landfill shall secure the container or compactor so that the owner maintains control over access to and use of said facility.

- (b) In addition, the owner shall properly and clearly label all bulk containers and compactors indicating that the disposal of corrugated cardboard in said facility is prohibited by town ordinance and that the disposal of prohibited materials is subject to penalty as provided by town ordinance.
- (c) For purposes of this section and section 8-44, the term "owner" shall also include any person who has leased a bulk container or compactor for use on private property.
- (d) Nothing in this section shall be construed as relieving individuals other than the owner of responsibility for complying with town ordinances and regulations regarding the disposal of solid waste.
- (e) In addition to the remedies set forth in section 8-44 for a violation of this section, if the container is one that is being collected by the town, the town may refuse service until a violation is corrected.

(Ord. No. 96-3-25/O-2, § 4)

Editor's note— Ord. No. 93-1-11/O-2, § 19, adopted Jan. 11, 1993, amended the Code by deleting provisions contained in § 8-31. Said provisions pertained to the disposal of refuse from lot clearing and building construction sites and derived from an ordinance adopted Oct. 26, 1970, § 2(i). Ord. No. 96-3-25/O-2, § 4, adopted March 3, 1996, added a new § 8-31 to read as herein set out.

Sec. 8-32. - Deposits in public right-of-way.

It shall be unlawful for any person to place, deposit or leave or cause to be placed, deposited or left temporarily or permanently, to throw or cause to be thrown any trash, refuse, litter, garbage or waste material of any kind upon the right-of-way of any public street, sidewalk, highway or alley within the Town of Chapel Hill, except as hereafter authorized and approved:

- (a) *Once weekly residential curbside collection.* Refuse receptacles as identified in section 8-21(m) may be placed on the said right-of-way subject to the pre-collection practices set forth herein. Such refuse receptacles will be set at the existing curb line or street or, where no such curb line exists, the materials shall be placed off of the street pavement and between the roadside ditch and the front property line, off the traveled portion of the street. No container shall be placed so as to block the sidewalk.
- (b) *Yard waste placed for collection.* Yard waste may be placed on said right-of-way subject to the pre-collection practices set forth herein. Such rubbish shall be placed behind the existing curblines or the street, or where no such curblines exist, the bundled yard waste material shall be placed off the street pavement and between the roadside ditch and the front property line, off the traveled portion of the street. No yard waste shall be placed so as to block the sidewalk.

(Ord. of 10-26-70, § 2(j); Ord. No. O-73-7, 3-5-73; Ord. No. 91-1-14/O-1, § 5; Ord. No. 93-1-11/O-2, § 20; Ord. No. 2001-02-26/O-2, § 5)

Sec. 8-33. - Use of public litter receptacles restricted.

Cans or litter receptacles provided by the Town of Chapel Hill are placed on the streets, sidewalks, and in parks and other town facilities for the use of the public in disposing of litter. No person shall use such cans or areas adjacent to such cans for disposal of garbage, refuse or rubbish collected or accumulated on private property. Persons making deliveries of newspapers or other merchandise shall not use street cans or areas adjacent to such cans for disposal of garbage or refuse generated in the operation of their or their employer's business. No person shall use such cans, receptacles or areas adjacent to such cans for disposal of cardboard.

(Ord. of 10-26-70, § 2(k); Ord. No. 88-2-22/O-17, § 1; Ord. No. 96-3-25/O-2, § 5)

Sec. 8-34. - Deposits prohibited in storm drain, manhole, ditch or median.

No person shall throw, dispose or sweep from any household, yard, sidewalk or elsewhere, garbage or miscellaneous refuse into a storm drain, manhole, ditch or median within the Town of Chapel Hill.

(Ord. of 10-26-70, § 2(l))

Sec. 8-35. - Bulk containers for multiple residential units.

- (a) All new multiple residential developments of six (6) or more units per zoning lot shall provide bulk containers; provided, however, the manager may waive such requirement in those cases where the manager determines on the basis of evidence satisfactory to the manager that:
- (1)
 - a. The six (6) or more units are an addition of not greater than fifty (50) percent to a multiple residential complex existing prior to the date of original enactment of this ordinance (March 5, 1973), and
 - b. That such waiver would not be contrary to the intent of this ordinance of providing for efficient garbage collection services; or
 - (2)
 - a. All units have frontage on a public street that is constructed to town standards; and
 - b. All units have driveways or other clearly defined curbside locations where roll-carts can be serviced along the public street from behind the curb without blocking sidewalks for each individual unit; and
 - c. That such waiver would not be contrary to the intent of this article of providing for efficient garbage collection services; or
 - (3) Each practical location of such dumpster or dumpsters could reasonably create concern for safety or health considerations that, in the opinion of the manager, outweigh the concern and intent of this article for efficient garbage collection services.
- (b) Determinations by the manager under this section may be appealed to the council, and the council may make such determination and grant such exemption as if finds appropriate under the evidence presented.
- (c) No person shall place cardboard in any bulk container being provided for the disposal of solid waste at a multiple residential unit location under this section.

(Ord. of 10-26-70, § 2(m); Ord. No. O-73-6, § 1, 3-5-73; Ord. No. O-82-39, § 3, 6-14-82; Ord. No. 96-3-25/O-2, § 6; Ord. No. 2013-05-29/O-4, § 1)

Sec. 8-36. - Reserved.

Editor's note— Ord. No. 2001-02-26/O-2, § 6, repealed § 8-36, which pertained to collection procedures—established. See the Code Comparative Table.

Sec. 8-37. - Collection procedures—Household refuse and garbage.

Household refuse and garbage in refuse receptacles will be picked up in the rear yard twice each week, or at the curb once each week in those areas of town designated for weekly curbside residential collections.

(Ord. of 10-26-70, § 3(a); Ord. No. 91-5-28/O-3, § 1; Ord. No. 2001-02-26/O-2, § 7)

Sec. 8-38. - Same—Commercial refuse.

- (a) Commercial refuse will be picked up twice each week from the premises of retail, wholesale and commercial establishments if properly contained in refuse receptacles or bulk containers as limited by this article. Additional collections will be made in accordance with the schedule of fees adopted by the council.
- (b) No person shall place cardboard in any bulk container being provided for the disposal of solid waste at a retail, wholesale or commercial establishment location under this section.

(Ord. of 10-26-70, § 3(b); Ord. No. 96-3-25/O-2, § 7)

Editor's note— Section 8-7 establishes a schedule of fees for collection from businesses in the town.

Sec. 8-39. - Storage of bulk containers.

If an establishment served by a bulk container closes, the bulk container shall be removed within seven (7) days of said closing. If the container has not been removed by the owner within seven (7) days, the town will remove it and store it for up to six (6) months at a cost of twenty-five dollars (\$25.00). If the owner has not claimed the container within six (6) months, the town may resell the container with proceeds above the removal and storage cost and cost of sale to be remitted to the owner.

(Ord. No. O-77-25, § 1, 5-9-77)

Sec. 8-40. - Reserved.

Editor's note— Ord. No. O-72-25, § 1, adopted July 3, 1972, repealed former §§ 8-39 and 8-40 derived from Ord. of Oct. 26, 1970, § 3(c), (d). Said sections pertained to the collection of trimmings, clippings, animal litter, rubbish, bulky items and leaves.

Sec. 8-41. - Collection of dead animals.

Small dead animals will be collected without charge between 6:30 a.m. and 3:00 p.m., provided the body is in a location adjacent to street. Owners of large dead animals shall be responsible for their removal and disposal.

(Ord. of 10-26-70, § 3(e); Ord. No. O-77-25, § 1, 5-9-77)

Sec. 8-42. - Vehicles hauling garbage, rubbish or yard waste.

No vehicle hauling garbage, rubbish, yard waste or refuse shall be allowed to travel upon town streets or to deposit same at the Orange County regional landfill unless said garbage, rubbish, yard waste or refuse is enclosed in said vehicle or otherwise covered by some effective means to prevent spillage while traveling to the landfill.

(Ord. of 10-26-70, § 3(f); Ord. No. O-77-25, § 1, 5-9-77; Ord. No. 93-1-11/O-2, § 21; Ord. No. 2001-02-26/O-2, § 8)

Sec. 8-43. - Collection from businesses and other occupancies within and near designated downtown compactor project areas.

Notwithstanding any other provision of this chapter, the town may establish designated downtown compactor service areas for refuse collection services for businesses and other occupancies in and near the downtown area. The refuse collection procedures for such an area may be established by regulations promulgated by the town manager. The following areas shall be designated as being located within a designated downtown compactor area:

- (a) North 100 block of East Franklin Street and nearby properties. (Lots numbered 2 through 35 on Chapel Hill Township Tax Map 80A dated April 1, 1963, with revisions through 1991), including properties abutting the north side of East Franklin Street with current postal addresses of 101 East Franklin Street through 179 East Franklin Street, properties abutting the south side of the 100 block of East Rosemary Street and properties abutting the east side of the 100 block of South Columbia Street. The effective dates of the compactor service for the above properties shall be established by the town manager.
- (b) *Reserved.*

(Ord. No. O-85-72, 11-12-85; Ord. No. 94-3-16/O-1, § 4)

Sec. 8-44. Penalties and enforcement.

- ~~(a) Any violation of sections 8-23, 8-24, 8-24.1, 8-25, 8-26, 8-33, 8-35 or 8-38 shall constitute a civil violation and be subject to a civil penalty in the amount of twenty five dollars (\$25.00). Each day that a violation continues uncorrected shall constitute a separate violation. In addition, the town may refuse to empty any receptacle containing loose household refuse or garbage in violation of section 8-23.~~
- (a) Any violation of section 8-23, 8-24, 8-24.1, 8-25, 8-26, 8-29, 8-30, 8-31, 8-32, 8-33, 8-34, 8-35, or 8-38 within a twelve-month period subjects the offender to a civil citation and the following civil penalties:
 - (1) First violation: Written warning and/or twenty-five dollars (\$25.00).
 - (2) Second violation: Seventy-five dollars (\$75.00).
 - (3) Third violation: One hundred and fifty dollars (\$150.00).
 - (4) Fourth and subsequent violations: Two-hundred and fifty dollars (\$250.00) up to maximum of five hundred dollars (\$500.00).
- (b) A violation that continues after the Town notifies the offender of the violation or issues a citation for the violation constitutes an additional violation subject to further civil penalty.
- (c) Appeal. A person assessed a civil penalty under this section may appeal to the manager by filing an appeal within fifteen (15) days of receipt of the citation. The manager shall conduct an administrative hearing during which the appealing party may present any material information in support of the appeal. The manager or designee shall render a decision within fifteen (15) days of the hearing.
- (d) The Town may collect unpaid penalties through a civil action in the nature of a debt. A penalty is deemed unpaid if not paid within 30 days after receipt of the citation or the conclusion of appeals. The manager is authorized to reach equitable settlement of unpaid penalties.
- (e) The Town may also enforce this article by seeking an equitable remedy, including but not limited to injunctive relief or order of abatement.

(f) Refusal of service for improper materials. If the town determines that a private dumpster, compactor, or other bulk container contains corrugated cardboard or any other material prohibited by this article from being disposed of at the Orange Regional Landfill, the town may refuse further service until the violation is corrected. If the container is owned by the town, the town may suspend the person's right to use the container for disposal of solid waste. Upon suspension, the person shall immediately return any access key(s) provided by the town, and failure to do so will result in a \$100 key replacement fee. This remedy is in addition to the other remedies set forth in this section.

~~(b) Any violation of sections 8-29, 8-30, 8-32 or 8-34 shall constitute a misdemeanor as provided by G.S. Section 14-4 and shall subject the violator to a fine of five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days. Violations of sections 8-29, 8-30 or 8-34 may also be enforced by the assessment of a civil penalty as provided by law. Each day that a violation continues uncorrected shall constitute a separate violation.~~

~~(c) The town may refuse to collect any private dumpster or compactor which it determines upon inspection contains corrugated cardboard or any other material prohibited by this article from being disposed of at the Orange Regional Landfill. If the town refuses service, a twenty five dollar (\$25.00) civil penalty will be assessed against the owner of the container. The town will advise the owner of the container of the violation and allow the owner three (3) days to correct the violation. If upon reinspection the container is found to still contain corrugated cardboard or other materials prohibited by this article, an additional civil penalty of fifty dollars (\$50.00) shall be assessed. Each day the violation continues thereafter shall constitute a separate offense and subject the owner to an additional fifty dollars (\$50.00) per day civil penalty. Service of the container may be refused by the town until the violation is corrected.~~

~~(d) Any violation of the requirements of section 8-31 for the owner to properly secure and label a dumpster, bulk container or compactor shall subject the owner thereof to a civil penalty of twenty five dollars (\$25.00) If the violation is not corrected within three (3) days, an additional civil penalty shall be assessed in the amount of fifty dollars (\$50.00). Each day the violation continues thereafter shall constitute a separate offense and subject the owner to an additional fifty dollars (\$50.00) per day civil penalty. If the container is one which is being collected by the town, the town shall refuse service until the violation(s) is/are corrected.~~

~~(e) Upon a determination that any party is placing corrugated cardboard or any other material, the disposal of which is prohibited by the Town Code, in a town-owned compactor or dumpster, the town may suspend that person's right to use the town container for disposal of solid waste. Upon suspension of such service, said person shall immediately return to the town any key(s) provided by the town for access to said container. Violation of this section shall constitute a civil penalty in the amount of fifty dollars (\$50.00).~~

~~(f) The public works director and his/her designees are authorized to determine the existence of the violations and to assess the civil penalties established by this article by issuing a citation to the person determined to be in violation or by sending a letter to the property owner responsible for the violation. Any such notice or citation shall state the nature of the violation and the procedures available for review of the penalty imposed.~~

~~(g) Any violation and penalty assessed under this article may be appealed to the town manager provided such appeal is filed with the town manager's office within fifteen (15) days after notice of said civil penalty. If an appeal is timely filed, the manager or his designee shall conduct an administrative hearing; shall consider any information the party assessed the penalty presents; and shall render a decision on the appeal within ten (10) days of the conclusion of the hearing. If no appeal is filed the determination of the public works department shall be final.~~

~~(h) Any penalty not paid within thirty (30) days assessment or the conclusion of any appeals taken under the provisions of this section may be recovered by the town in a civil action in the nature of the debt.~~

~~In addition to the penalties and remedies provided by this section, the town manager may institute any appropriate action or proceedings to prevent, restrain, correct, or abate a violation of this article.~~

(Ord. No. 92-4-13/O-4, § 6; Ord. No. 96-3-25/O-2, § 8; Ord. No. 97-11-24/O-3, § 1, 11-24-97)

Sec. 8-45. - Enforcement of yard waste regulations.

The collection and removal of yard waste from premises in the town is under the jurisdiction of the manager or his/her designee. Enforcement of this policy is under the supervision of the public works director. Yard waste placed for disposal that is not in compliance with the yard waste regulations contained herein will not be collected by the town and shall be subject to town enforcement provisions.

(Ord. No. 93-1-11/O-2, § 22; Ord. No. 96-3-25/O-2, § 9)

Editor's note— Ord. No. 93-1-11/O-2, § 22, adopted Jan. 11, 1993, amended the Code by adding provisions designated as § 8-44. Inasmuch as there are already provisions so designated, said provisions have been redesignated as § 8-45 at the discretion of the editor.

Sec. 8-46. - Collection of service fees.

The charges to be assessed and collected for disposal services within the designated downtown disposal area will be established annually by council through the adoption of the annual budget.

(Ord. No. 94-3-16/O-1, § 5)

Editor's note— Ord. No. 94-3-16/O-1, § 5, adopted March 16, 1994, amended the Code by adding provisions designated as § 8-45. Inasmuch as there are already provisions so designated, said provisions have been redesignated as § 8-46 at the discretion of the editor.

Secs. 8-47—8-50. - Reserved.

ARTICLE III. - LANDFILL REGULATIONS⁴¹

Footnotes:

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State Law reference— Requirements for municipal solid waste landfill facilities, 15A N.C. Admin. Code 13B.1601 et seq.

Sec. 8-51. - Restrictions on disposal of solid waste.

- (a) *Orange County Landfill.* The Orange County Landfill, as it is presently constituted and as it may be expanded or relocated in the future, shall be used for the disposal of solid waste generated exclusively by the residents, businesses, and other institutions located in Orange County, the Town of Carrboro or the Town of Chapel Hill. Other uses are prohibited.
- (b) *Solid waste receptacles.* Solid waste receptacles are maintained throughout Orange County for the convenience of Orange County residents. Solid waste may be deposited in the receptacles, for eventual disposal at the Orange Regional Landfill, only by the residents, businesses, and other

institutions located in Orange County, the Town of Carrboro or the Town of Chapel Hill as so designated by the applicable jurisdictions. Other uses are prohibited.

(c) *Enforcement.*

- (1) *Criminal penalty.* Any person violating this section shall be guilty of a misdemeanor punishable by a fine of not to exceed five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days, or both. Each violation and each day's violation shall be treated as a separate offense.
- (2) *Civil penalty.* Any person who is found in violation of this section shall be subject to a civil penalty of not to exceed five hundred dollars (\$500.00). Each violation and each day's violation shall be treated as a separate offense.
- (3) *Other remedies.* This section may be enforced by equitable remedies and any unlawful condition existing in violation of this section may be the subject of an injunction or order of abatement.

(Ord. No. 93-5-24/O-2, §§ 1—3)

Secs. 8-52—8-54. - Reserved.

Sec. 8-55. - Disposal of recyclable corrugated cardboard.

Disposal of recyclable corrugated cardboard is restricted and regulated per the following conditions:

- (1) Disposal of recyclable corrugated cardboard from nonresidential sources is prohibited at the Orange Regional Landfill.
- (2) Disposal of recyclable corrugated cardboard in mixed solid waste receptacles maintained throughout Orange County is prohibited. All bulk waste containers within Orange County shall be labelled with a permanent visible sign, prominently displayed, stating recyclable corrugated cardboard is prohibited from being dumped. These signs shall be in place by March 1, 1996.
- (3) Any hauler of nonresidential waste to the landfill shall be subject to this prohibition. The disposal prohibition applies to all nonresidential loads of waste delivered by haulers to the landfill including mixed loads that contain both residential and nonresidential waste. All waste delivered to the landfill in small quantities by pick-up trucks, vans, small trailers and automobiles will also be subject to this prohibition.
- (4) For the purpose of this prohibition, nonresidential waste includes, but is not limited to, waste generated by:
 - a. The commercial, institutional, industrial, construction and multifamily sectors;
 - b. Waste collected from bulk containers, including dumpsters, compactors, roll-off containers, and delivered to the landfill in bulk container collection vehicles; and
 - c. All other waste generated by the nonresidential sectors that is delivered to the landfill in any type conveyance.
- (5) For the purposes this prohibition, recyclable corrugated cardboard refers to all corrugated cardboard that is deemed recyclable by current recycling industry standards. Any cardboard that is not recyclable due to contamination at the source (e.g. saturated with food) or due to its nature (e.g. waxed boxes) would be exempt from the penalty. Cardboard contaminated by action of the generator or hauler would not be exempt from the penalty fee.

(Ord. No. 95-11-13/O-4, § 1)

Sec. 8-56. - Penalties.

Haulers found in violation of section 8-55 may be subject to a penalty fee as adopted, and periodically revised, by the owners of the landfill.

(Ord. No. 95-11-13/O-4, § 1)