

ORDINANCE NO. 170

LITTER, GARBAGE AND REFUSE

Art. 1, In General, 170-1---170-20

Art. 11. Storage and Collection, 170-21 --- 170-33

ARTICLE I IN GENERAL

Section 170-1 RESPONSIBILITY OF OWNERS AND AGENTS

The owners or agents, tenants or lessees, jointly and separately, of all residential units and commercial establishments shall be responsible for compliance with this Ordinance.

Section 170-2 DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words and their derivatives shall have the meanings given herein. When not inconsistent with the context words used in the present tense include the future tense, words used in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory. The following definitions shall apply in the interpretation, administration and enforcement of this Ordinance.

- A. BUILDING MATERIALS: Any material such as lumber, brick, block, stone, plaster, concrete, asphalt, roofing shingles, gutters or other substances accumulated as a result of repairs or additions to existing buildings or structures, construction of new buildings or structures or the demolition of existing buildings or structures.
- B. BULK CONTAINERS: (1) A metal container of not less than two (2) cubic yards capacity nor larger than eight (8) cubic yards capacity, constructed so as to be watertight but with drain plugs at the lowest point of the container to facilitate the drainage of any liquids that might accumulate in the container or from cleaning the container. Bulk containers shall have doors that open on the top. Bulk containers shall be designed so they can be emptied mechanically by specially designed trucks. THIS TYPE OF BULK CONTAINER Is for Business or Commercial use. (2) ENCLOSED CONTAINER. A large enclosed area with a locked door which will be serviced by the Town of Old Fort garbage truck. An enclosure of this type may be used by Business or Commercial, but must be approved by the C.E.O. and work Supt.
- C. BUSINESS Trash: Any waste accumulation of dust, paper, cardboard, excelsior, rags or other accumulations other than garbage or household trash which are usually attendant to the operation of stores, offices and similar businesses.
- D. C.E.O.: CODE ENFORCEMENT OFFICER OF THE TOWN OF OLD FORT, N.C.

- E. **COMMERCIAL Establishment**, Any retail, wholesale, institutional, religious, governmental or other establishment or hotel, exclusive or residences as defined below, which may generate garbage, business trash or other refuse.
- F. **DETACHABLE CONTAINER**: A container unit that may vary In capacity between fifteen (15) cubic yards and forty-two (42) cubic yards and which Is used for collecting, storing and transporting waste building materials, business trash, industrial waste, hazardous refuse or yard trash. The unit may or may not use an auxiliary packing mechanism for the compaction of the materials into the container and may be of the open or the enclosed type. The distinguishing feature of the detachable container is that it is lifted by a specially designed and equipped truck and becomes an integral part of that truck for transporting waste materials to a disposal site.
- G. **GARBAGE**: The waste produced by the handling, processing, preparation, cooking and consumption of animal or vegetable products used for human consumption. This definition shall include any other matter that is also subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors or which before, during or after decay may serve as feeding or breeding material for animals or flies or other insects.
- H. **HAZARDOUS REFUSE**: Materials such as poisons, acids, caustics, harmful or dangerous chemicals, infected material, offal, fecal matter, explosives, highly flammable material and parts of the human anatomy in-eluding pathological specimens.
- I. **HOUSEHOLD TRASH**: Waste accumulation of paper, sweepings, dust, rags, bottles, cans or other waste material of any kind, other than garbage, which is attendant to residential housekeeping.
- J. **INDUSTRIAL WASTE**: All waste, including solids, semisolids, sludges, and liquids created or generated by factories, processing plants or other manufacturing enterprises.
- K. **LITTER**: Garbage, refuse, waste materials or any other discarded, used or unconsumed substance which is not handled as specified herein.
- L. **LOADING AND UNLOADING AREA**: Any space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons.
- M. **MULTIPLE RESIDENTIAL UNITS**: Any duplex, apartment, group of apartments or condominiums used for dwelling places for more than one family.
- N. **PARKING LOT**: Any area paved or unpaved, the principal function of which is the parking of six or more motor vehicles. This definition excludes those parking spaces on public streets.
- O. **PERSON**: Any individual, firm, company, corporation or association.
- P. **PORTABLE PACKING UNIT**: A metal container that contains a packing mechanism with an Internal or external power unit.
- Q. **REFUSE**: Solid waste accumulations consisting of garbage, household trash, yard trash and business trash as defined herein.

R. REFUSE RECEPTACLES:

1. HAND EMPTIED CONTAINER: Metal or plastic container of substantial construction with a tight-fitting lid which shall be provided with wheels and/or handles for safe and convenient handling. Said receptacles shall have a capacity of not less than ten (10) gallons or more than thirty-two (32) gallons. Said container shall weigh no more than fifty (50) pounds when full.
 2. POLYETHYLENE PLASTIC BAGS: Shall weigh no more than twenty-five (25) pounds when full. May be used only where dogs, rodents or other animals are not a cause of litter. Use of Plastic bags is subject to the approval of the Board of Aldermen and C.E.O.
 3. CARDBOARD BOXES: Cardboard boxes, cartons or crates may be used only to contain other cardboard boxes, cartons or crates and must be properly secured by tying or taping. Said cardboard boxes shall not exceed a dimension of five (5) feet by six (6) feet by three (3) feet. Such boxes shall not exceed a weight of fifty (50) pounds when full. Such boxes shall have a one-time use and shall be collected along with the refuse contained in them.
 4. TWO-FLY KRAFT PAPER BAGS: May be used for yard trash and shall not weigh more than twenty-five (25) pounds when full.
 5. BURLAP BAGS: May be used for yard trash and shall not weigh more than fifty (50) pounds.
 6. ROLLOUT CONTAINER: Shall be a plastic container of substantial construction. The rollout container shall have a lid with a positive animal lock. Rollout containers of over 30 gallons shall be designed, so that they can be emptied mechanically by specially designed lift trucks.
- S. RESIDENCE: Any structure used as a dwelling place by a single family.
- T. SINGLE RESIDENTIAL UNIT: Any dwelling place occupied by one family.
- U. TOWN: Town of Old Fort, N.C.
- V. SMALL DEAD ANIMALS: Cats, dogs, small household pets and other animals of similar size. This includes animals of fifty (50) pounds or less.
- W. TREE AND SHRUBBERY TRIMMINGS: Waste accumulation of tree branches, tree' limbs, bushes, shrubbery, cuttings or clippings usually created as refuse in the trimming or cutting of trees, shrubs or bushes. Parts of trees including stumps, provided that such parts of trees or stumps do not weigh more than fifty (50) pounds, shall be included in this definition.
- X. YARD TRASH: Grass clippings, leaves, twigs or the combination of these that is usually associated with yard or lawn maintenance activity. This type of refuse shall be containerized as provided in this Ordinance. Exceptions shall be only as provided in this Ordinance.
- Y. YARD TRASH CONTAINERS: Either refuse receptacles or two-ply kraft paper bags, polyethylene bags, or burlap bags. Such containers shall be in a serviceable condition and

when full shall not weigh more than fifty (50) pounds except paper or plastic bags, which shall not weigh more than twenty-five (25) pounds when full. Containers whether refuse receptacles or paper, plastic bags, or burlap bags shall be kept closed or covered at all times.

Section 170-3 LITTER, OFFENSIVE ODORS, DANGEROUS DEVICES PROHIBITED.

It shall be unlawful for any person to cause or allow unsightly litter, foul or offensive odors, or potentially dangerous devices to remain on or emanate from any property under his control, or to discard, abandon or cause the same on any public or private property within the corporate limits of the Town of Old Fort, North Carolina.

Section 170-4 MAINTENANCE OF SIDEWALKS, ALLEYS, AND RIGHTS-OF-WAY.

All owners or occupants, jointly and separately, of property shall maintain their property in a clean and litter-free manner, including adjacent sidewalks, grass strips, one-half (1/2) of alleys, curbs, gutters and rights-of-way to the edge of the surface of the vehicular travel way of any public street.

Section 170-5 SCATTERING OF REFUSE AND LITTERING PROHIBITED,

(a) It shall be a violation of this Ordinance for any person to:

- (1) Scatter refuse or litter on any public or private street, area or place; or
- (2) Cast, throw, place, sweep or deposit anywhere within the city any refuse or trash in such a manner that it may be carried or deposited by the elements upon or in any street, sidewalk, alley, storm drain or other public place or into any occupied or unoccupied premises within the city; or
- (3) Throw or deposit any refuse, trash or debris in any stream or body of water.

(b) It shall be a violation of this Ordinance for any vehicle, transporting loose materials within the city to transport the same without suitable covers.

Section 170-6 ALL PROPERTY IN TOWN

- (a) *Amended 10-20-97.* ACCUMULATIONS PROHIBITED. It shall be unlawful for any owner, tenant, agent or person in control of any residents or vacant lots within the town to permit: to remain thereon any empty bottles, empty cans, abandoned automobiles, abandoned automobile bodies or parts, home appliances or furniture, trash, filthy debris, garbage or rubbish of any kind whatsoever and it shall be the duty of any owner, tenant, agent or person in control of any resident or vacant lot within the city to keep the same in a clean healthy, wholesome, and sanitary condition at all times. Any such item or items which remain on the same property of the same occupant for a period of fifteen (15) days

after such occupant's conviction of violating this section shall be presumed to be abandoned and subject to being removed from the property by the C.E.O. without further notice or summons; provided, this section shall not apply to authorized junk dealers. See 170-24—f—b.

- (b) PENALTY. After one warning, any person violating, failing, refusing or neglecting to comply with any of the provisions of this section shall be assessed a penalty of twenty-five dollars (\$25.00), and each; and every day during which such violation continues, shall be a separate and distinct offense.
- (c) PROPERTY OF LESS THAN ONE ACRE. The owner, tenant, agent or person in control of property of less than one acre shall cut the weeds and grass at least one time a month; in the months of Spring, Summer and Fall.
- (d) PROPERTY OF MORE THAN ONE ACRE. On lots that are more than one acre of undeveloped land, the owner, tenant, agent or person in control of the property shall cut the weeds and clear the land of undergrowth twice a year, on or before June lot and September lot of each year, at least fifty (50) feet back from the street, road, or public highway, to provide for visibility on all public roadways.

Section 170-7 ADMINISTRATION AND ENFORCEMENT

The administration and enforcement of the provisions of this Ordinance be the duty and responsibility of the Code Enforcement Officer of the Town of Old Fort, N.C.

Section 170-8 NOTICE OF VIOLATION OR NONCONFORMITY.

Any notice of violation of this Ordinance or nonconformity with this Ordinance shall be in writing. Written notice of the violation shall be delivered to the violator or in lieu of hand delivery shall be sent to the violator via certified mail. Copies of all notices of violation, warnings, trials, convictions and appeals shall be kept and maintained by the Code Enforcement Officer.

Section 170-9 PENALTY

Any person continuing to violate any provision or requirement of any section or subsection of this chapter after notice of violation has been issued to him, or any person willfully failing, refusing or neglecting to comply with any such provision or requirement, shall, in addition to any other remedy, be issued a citation in which a penalty of fifty dollars (\$50.00) shall be assessed for each offense, with each and every day of violation being a distinct and separate offense. Upon failure to pay said penalty, a civil action may be instituted to enforce collection of the same.

Section 170-10 & 170-20 RESERVED

ARTICLE II STORAGE AND COLLECTION

Section 170-21 RECEPTACLES AND CONTAINERS REQUIRED.

Every person who is in possession or control of any place in or from which business trash, garbage, household trash or industrial waste is accumulated or produced shall be required to provide and at all times to keep in a suitable place, readily accessible to city collection crews or private collection agencies, adequate and suitable receptacles and containers as defined herein, capable of holding all such waste materials which would ordinarily accumulate between the times of successive collections. The C.E.O. and Work Supt. are designated as the agency to determine quantity, type and location of said receptacles or containers, as provided herein, and to determine whether the said receptacles and containers are serviceable and sanitary.

Section 170-22 REFUSE RECEPTACLES TO BE SAFE AND MAINTAINED.

All refuse receptacles as required herein shall be of safe construction and design and shall be maintained in a good, serviceable and sanitary condition at all times. Any refuse receptacle which does not conform to the provisions of this chapter or which has ragged or sharp edges or other defects likely to hamper or injure the person collecting the contents thereof or the public generally, shall be promptly replaced upon notice. If said refuse receptacle(s), after due and proper notice, has (have) not been replaced, the C.E.O. shall have the authority to remove said refuse, receptacle(s) as refuse.

Section 170-23 REQUIREMENTS FOR CERTAIN TYPES OF WASTE MATERIAL.

- (a) REFUSE. All refuse shall be placed and maintained in refuse receptacles or containers as specified herein. All refuse receptacles and containers shall be kept covered at all times with tight-fitting lids.
- (b) GARBAGE. All garbage being placed for collection shall have been drained of all free liquid and shall be wrapped, bagged or enclosed in paper or plastic material before being placed in refuse receptacles or containers. Garbage contained in refuse receptacles shall be set out to curbside only on the day of collection.
- (c) HOUSEHOLD TRASH. All household trash shall be drained of all free liquid before being placed in refuse receptacles or containers. Household trash may be combined with garbage. Any items of household trash which are too large for refuse receptacles and cannot be reduced to a size which can be placed in a refuse receptacle may be placed with tree and shrubbery trimmings at curbside provided such items are covered or secured to avoid their dispersal by the elements. Household trash contained in refuse receptacles shall be set out to curbside only on the day of collection.
- (d) DANGEROUS REFUSE ITEMS. All dangerous refuse items and all waste material of any injurious nature such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television picture tubes shall be securely wrapped to prevent injury to collection personnel. Simply placing these items in paper or plastic bags shall not be considered adequate protection.

- (e) **HAZARDOUS REFUSE AND BUILDING MATERIALS.** No hazardous refuse or building materials shall be placed in any refuse receptacle used for collection by the city, nor shall the same be collected by the city.
- (f) **YARD TRASH.** Yard trash shall be stored for collection in suitable refuse receptacles as described in this Ordinance. The contents of such refuse receptacles shall not extend above the rim thereof, and shall be contained by tight-fitting lids or a sealed enclosure to prevent the carrying or depositing thereof by the elements upon any street, sidewalk or public or private property. Refuse receptacles containing yard trash shall be placed at curbside for collection.
- (g) **TREE AND SHRUBBERY TRIMMINGS.** Tree and shrubbery trimmings placed in refuse receptacles shall be collected by the city when placed at curbside provided that the requirements of 170-23 (f) above are met and that refuse receptacles, except rollout containers, containing tree and shrubbery trimmings shall not weigh more than (50) pounds and approved paper or plastic bags containing tree and shrubbery trimmings shall not weigh more than twenty-five (25) pounds. No tree trunks, branches, limbs or shrubbery trimmings larger than four (4) inches in diameter, longer than four (4) feet or weighing more than fifty (50) pounds shall be collected by the city. Tree and shrubbery limbs shall have protruding branches trimmed and may be placed in piles at curbside, if placed separately from loose leaves and thorny vegetation. Tree and shrubbery branches, limbs and trimmings cut by persons engaged in landscaping or tree service enterprises or by other commercial or "for hire" persons or those accumulations resulting from land clearing operations shall not be collected by the city. Thorny vegetation, if placed at curbside for collection, shall be cut in lengths not to exceed two (2) feet and placed in separate piles from other tree and shrubbery trimmings or loose leaves. Stumps weighing more than fifty (50) pounds shall not be collected by the city, unless special arrangements are made with Work Supt. or C.E.O.
- (h) **LEAVES.** Leaves shall be contained in refuse receptacles and placed for collection at curbside.
- (i) **SPECIAL COLLECTION OF HOUSEHOLD FURNITURE AND APPLIANCES.**
Upon request, the city may collect normal household discarded furniture and appliances, including sofas, chairs, beds, mattresses, bedsprings, refrigerators, washers, dryers, hot water heaters and similar items unless otherwise provided in this Ordinance. Persons requesting this service shall be notified by C.E.O. or Work Supt. as to the date the collection will occur. Items for collection shall be placed at curbside, or placed in an area designated by Work Supt. or C.E.O. This service shall be available to residences only.
- (j) **BUSINESS TRASH.** Business trash, except cardboard boxes, cartons or crates, shall be placed in plastic bags and tied before being placed in refuse receptacles or containers. Plastic bags containing business trash, shall not weigh more than twenty-five (25) pounds when full. Business trash may be placed in cardboard boxes and secured tightly. Business trash in cardboard boxes shall not weigh more than fifty (50) pounds.

(k) **COMMERCIAL ESTABLISHMENTS.** The C.E.O. shall notify all merchants and other commercial users of the schedule of pickup, and the merchants and other commercial users shall comply by setting their refuse receptacles at curbside in accordance with this schedule. This will not apply to Commercial establishments with large bulk containers or enclosed bulk containers.

Section 170-24 LOCATIONS OF STORAGE OF REFUSE AND TRASH.

All accumulations of refuse and trash shall be stored or placed for collection in accordance with the following provisions:

- (a) **PUBLIC STREETS.** No refuse, trash, yard trash, leaves, tree and shrubbery trimmings, refuse receptacle or bulk container shall be placed within the vehicular travelway or gutter of any street.
- (b) **PUBLIC SIDEWALKS.** Refuse, trash, yard trash, leaves or tree shrubbery trimmings contained in approved refuse receptacles may be placed on the sidewalk on the day of collection so long as they do not unreasonably interfere with pedestrian traffic.
- (c) **PUBLIC ALLEYS.** Refuse contained in approved refuse receptacles may be placed in a public alley on the day of collection so long as it does not unreasonably interfere with vehicular or pedestrian traffic.
- (d) **BLOCKAGE OF STORM DRAINS.** No person shall place any refuse, trash, refuse receptacle or container on, upon or over any storm drain opening or so close thereto as to be drawn by the elements into the same. No person shall place any refuse, trash, refuse receptacle or container in a gutter, thereby causing blockage of storm water flows or possible blockage of storm drainage systems if carried by the elements into the same.
- (e) **UNAUTHORIZED ACCUMULATIONS.** Any unauthorized accumulation of refuse or trash on any lot, property, premises, Public Street, sidewalk, alley or other public or private place is prohibited. Failure of the owner or occupant, after notice of violation, to remove and correct any such unauthorized accumulation of refuse or trash shall be deemed a violation of this Ordinance.
- (f) **JUNK.**
 - 1) It shall be a violation of this Ordinance for any person to place or store outside any building or dwelling, except as provided herein, any dilapidated furniture, appliances, vehicles, machinery, equipment, building materials or any other item which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition and which is not completely enclosed within a building or dwelling. This shall not apply to authorized junk dealers or authorized establishments engaged in the business of repairing, rebuilding, reconditioning or salvage.
 - 2) **JUNK DEALERS AND BUSINESSES.** A new junk dealer shall not be allowed inside the city limits of the Town of Old Fort. Any junk dealer presently existing or may be annexed into the city limits shall be required to enclose the property

thoroughly by proper fence, trees or shrubbery as approved by the Board of Aldermen and C.E.O.

- (g) APPLIANCES. it shall be unlawful and a violation of this Ordinance for any person to leave outside any building or dwelling, in a place accessible to children, any appliance, refrigerator or other container of any kind which has an airtight door or cover with a snap lock or latch without, first removing the lock or latch, door or cover from the appliance, refrigerator or container.

Section 170-25 **COMMERCIAL ESTABLISHMENTS**

- (a) All commercial establishments desiring service by the Town shall store their refuse in refuse receptacles as provided in sec. 170-6 so as to eliminate the dispersal of such refuse by the elements and the resulting unsightly litter in and about their establishments,
- (b) The city will provide commercial establishments with two (2) pick-ups per week. The number and type of containers necessary for each commercial establishment shall be as required to maintain clean, neat and sanitary premises. Spillage and overflow shall be cleaned up immediately by the establishment when and as it occurs.
- (c) It shall be the responsibility of the Building Inspector, during the plan review process and prior to the issuance of a building permit for new commercial buildings or extensive renovations to existing commercial buildings, to review the method and location of refuse storage for collection for the building. Such reviews shall include the input and comments of the C.E.O. If any problems are foreseen during this review, they shall be called to the attention of the owner or designer for correction.

Section 170-26 **LOADING AND UNLOADING AREAS.**

All loading and unloading areas shall, at the direction of the C.E.O., be provided with refuse receptacles or containers for loose papers, debris, packaging materials and other business trash. The number and type of such containers necessary for each area shall be as required to maintain clean, neat and litter-free premises and as directed by the C.E.O.

Section 170-27 **PARKING LOTS.**

- (a) OBLIGATION TO FURNISH RECEPTACLES. All parking lots and establishments with parking lots shall provide refuse receptacles within the parking areas. The C.E.O. shall have the authority to determine the number of receptacles necessary to provide adequate containerization. Such receptacles shall be weighted or attached to the ground to prevent spillage. It shall be the responsibility of the owner or the person in charge of the parking area to collect the refuse and trash deposited in such containers and store this material in an approved location as herein defined.
- (b) OBLIGATION TO USE RECEPTACLES. It shall be the obligation of all persons using parking areas to use such refuse receptacles or containers as provided for the purposes

intended, and it shall be a violation of this Ordinance for any person to dump, scatter or throw upon any such parking lot any litter, refuse, garbage or trash of any kind.

Section 170-28 CONSTRUCTION AND DEMOLITION SITES.

All construction and demolition contractors shall provide onsite refuse receptacles, bulk containers or detachable containers for loose debris, paper, waste building materials, scrap building materials and other trash produced by those working on the site. All such materials shall be containerized by the end of each workday and the site shall be kept in a reasonably clean and litter-free condition. The number and type of refuse receptacles, bulk containers or detachable containers shall be determined by the Building Inspector & C.E.O., based on the size of the project. Dirt, mud, construction materials or other debris deposited upon any public or private property as a result of construction or demolition activities shall be immediately removed by the contractor and in all cases by the end of the workday.

Section 170-29 POINTS OF COLLECTION.

On the day of collection, unless otherwise provided by this Ordinance, it shall be the responsibility of the owner or occupant to place refuse receptacles at curbside or at the edge of the vehicular travelway as specified in section 170-24 (a), (b) and (c) herein. No refuse receptacles or containers, unless otherwise provided in this Ordinance, shall be stored in front of a building or dwelling except on the day of collection.

Section 170-30 COLLECTION AND HAULING PROCEDURES.

- (a) **RESIDENTIAL.** Garbage and household trash accumulated at residences shall be collected twice each week at curbside or at the edge of the vehicular travelway, on a schedule determined by the C.E.O., Work Supt, and Board of Aldermen. Oversize household trash, yard trash and tree and shrubbery trimmings shall be collected on a schedule determined by the C.E.O. and Work Supt.
- (b) **COMMERCIAL ESTABLISHMENTS.** Weekly service to commercial establishments shall be on a schedule determined by C.E.O., Work Supt., and Board of Aldermen.
- (c) **BULK CONTAINERS.** Bulk containers shall at all times be maintained in a safe, serviceable and sanitary condition as directed by the C.E.O. and Work Supt. Notice shall be given by the C.E.O. of any bulk container not meeting the requirements of this Ordinance. Every person who shall engage in the leasing, renting or supplying by manner other than absolute sale, bulk containers, detachable containers and portable packing units to persons to whom the Ordinance applies shall operate and maintain facilities and equipment for servicing, cleaning, repairing and painting such containers and units and for otherwise maintaining such units in a safe, serviceable and sanitary condition as required by this Ordinance.

- (d) INDUSTRIAL WASTE. The collection and disposal of industrial waste shall be the responsibility of the operator of the factory, plant or enterprise creating or causing the same.
- (e) HAZARDOUS REFUSE. No hazardous refuse, as defined herein, shall be placed in any receptacle, container or unit used for refuse collection by the Town of Old Fort.
- (f) DEAD ANIMALS. Small dead animals as defined herein will be collected by the city on request provided that it is during the operating hours of the work crew and the body is in a place easily accessible to the collector and is wrapped or contained in a plastic bag or other suitable container that will be collected with the body. Owners of large dead animals shall be responsible for their removal and disposal. Large animals are those weighing over fifty (50) pounds.
- (g) BUILDING MATERIALS. The city shall not be responsible for the collecting, handling or disposal of building materials, as defined herein that originate from private property preliminary to, during or subsequent to the construction of new buildings, renovation of old buildings, or from demolition of existing structures. Such materials or refuse shall be collected and disposed of by the property owner or the person doing the work. If such material or refuse has not been removed and disposed of by the property owner or the person doing the work, the Building Inspector shall not issue a certificate of occupancy even though other requirements for such certificate have been met. The certificate of occupancy shall be issued only when this requirement as well as any other requirements have been met.
- (h) COLLECTING AND HAULING VEHICLES. All collectors or refuse haulers or handlers operating within the city shall use a watertight vehicle provided with a tightly fitting cover and so operated as to prevent offensive odors escaping therefrom and refuse from being dropped, blown or spilled. These vehicles shall also be kept in good repair and shall be cleaned as often as necessary to prevent the body of the vehicle from becoming a breeding place for insects or a source of foul or offensive odors.

Section 170-31 POST-COLLECTION PROCEDURES.

Refuse receptacles returned to curbside after collection shall be removed to the approved storage location by 6:00 p.m. of the day of collection. The property owner or occupant shall be responsible for such removal.

Section 170-32 SPECIAL REFUSE OR DISPOSAL PROBLEMS.

- (a) CONTAGIOUS DISEASE REFUSE. The removal of clothing, bedding or other refuse from homes or other places where highly infectious diseases have prevailed shall be performed under the supervision and direction of the McDowell County Health Department. Such refuse shall not be placed in containers for city collection and disposal.
- (b) HYPODERMIC INSTRUMENTS. No person shall dispose of or discard any hypodermic needle or any instrument or device for making hypodermic injections before first

breaking, disassembling, destroying or otherwise rendering inoperable and incapable of reuse, such hypodermic syringe, needle, instrument or device, and without safeguarding the disposal thereof by wrapping or securing the same in a suitable manner so as to avoid the possibility of causing injury to collection personnel.

(c) **ASHES.** Ashes that are to be collected by the city shall have been wetted and shall be cool to the touch prior to collection. Ashes shall be placed in approved containers as defined herein. Refuse receptacles containing ashes shall not weigh more than (50) pounds.

(d) **CARDBOARD BOXES AND CARTONS.** Prior to being deposited as refuse for collection in approved receptacles or containers as defined herein, all cardboard boxes, cartons and crates shall be completely collapsed or in lieu of being placed in receptacles or containers such cardboard boxes, cartons and crates shall be completely collapsed and securely bundled. Each bundle shall not weigh more than (50) pounds.

(e) **CARDBOARD BOXES, CARTONS AND CRATES USED AS REFUSE RECEPTACLES.**

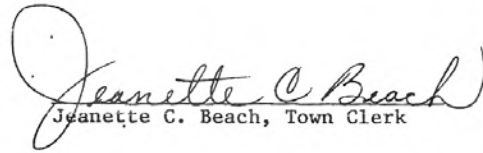
Cardboard boxes, cartons and crates when used as refuse receptacles as provided in section 170-6, shall have dimensions not exceeding two (2) feet by three (3) feet by two (2) feet. All cardboard boxes, cartons and crates used as refuse receptacles shall be secured by tying or taping and shall not weigh more than fifty (50) pounds. Any cardboard box, carton or crate with dimensions exceeding two (2) feet by three (3) feet by two (2) feet shall be completely collapsed and flattened.

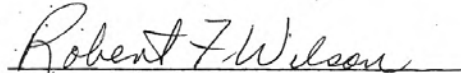
(f) **RUBBER TIRES.** The city shall not collect any un-split rubber tire or any rubber tire that has not otherwise been reduced from Its original shape or conformation by a generally accepted and approved manner or method, It shall be a violation of this Ordinance for any person to place any un-split rubber tire or any rubber tire that has not otherwise been reduced from its original shape or conformation by a generally accepted and approved manner or method in any refuse receptacle or container from which refuse is collected by the Town of Old Fort,

Section 170-33 **SPECIAL SERVICE,**

Hardship cases such as age, disability or infirmity, when confirmed by the C.E.O. or Work Supt. may be afforded the special service of refuse receptacle carryout and carryback upon application.

Adopted this the 18th. day of November, 1985


Jeanette C. Beach, Town Clerk


Mayor