

**ORDINANCE #14-01:**

**AN ORDINANCE AMENDING CHAPTER 50, SOLID WASTE OF THE VILLAGE OF PINEHURST MUNICIPAL CODE.**

**THAT, WHEREAS,** the Village Council of the Village of Pinehurst adopted an ordinance dated October 20, 1980, establishing and implementing certain authorized police powers for the purpose of prescribing regulations governing conditions detrimental to the health, safety, and welfare of its citizens; and

**WHEREAS,** on September 13, 2011 the Village Council of the Village of Pinehurst adopted Ordinance 11-25 which adopted the general ordinances of the Village of Pinehurst as revised, amended, restated, codified, and compiled in book form and declared that these shall constitute the “Village of Pinehurst, North Carolina Municipal Code;” and

**WHEREAS,** the organizational structure, services provided and operating procedures of the Village have been changed from time to time as circumstances and changing conditions warrant; and

**WHEREAS,** the Village Council has determined that it is in the best interest of the citizens of Pinehurst to amend Chapter 50, Section 50.03, Section 50.05, Section 50.07 and Section 50.08 of the Pinehurst Municipal Code;

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 14<sup>th</sup> day of January, 2014 as follows:

**SECTION 1.** That the following amendments be made to Section 50.03:

§ 50.03 CONTAINERS REQUIRED.

~~(A)~~—The occupant of every residential building, premises, or place where garbage does or may exist, except as otherwise provided in this section, shall provide a garbage can made of substantial galvanized iron or other non-rusting material, in which all garbage existing at the place occupied shall be deposited. The can shall be provided with a tight fitting cover made of the same materials as the can. All garbage cans shall be watertight. They shall be of a size that can be conveniently handled by the garbage collector, not to exceed in holding capacity more than thirty-three (33) gallons and not to weigh more than twenty (20) pounds while empty, with exception to division “E” below.

~~(B)~~ (A) All commercial and other nonresidential properties shall provide themselves with a dumpster or other appropriate garbage receptacle. Garbage collection service for such establishments shall not be provided by the Village.

~~(C)~~ (B) Any apartment complex or condominium complex shall provide itself with an appropriately sized dumpster or dumpsters for garbage collection or be provided with an

appropriate number of Village-owned household trash and/or recycling receptacles, as determined by the Public Services Director, to be placed in common collection areas. Common collection area placement(s) within the complex must be approved in advance by the Public Services Director. For the purpose of this Section, a *COMPLEX* shall be defined as any development having ten (10) or more units. ~~Notwithstanding the foregoing, complexes receiving hand collection service as of June 30, 2002 shall not be required to comply with the provision of this division (C).~~ The village will provide collection service for all complexes within the Village.

(~~D~~C) All ~~garbage~~ receptacles shall be kept reasonably clean by the homeowner or tenant by the use of effective cleaners and disinfectants.

(~~E~~D) The Village may elect, at its option, to provide residential receptacles **for certain solid waste services** and require the use of such by the homeowner or tenant to which it is provided. Damage to the Village provided receptacle outside of normal wear and tear can be assessed to the residence up to the full replacement cost of a new container. (1986 Code, § 12-2.3) (Ord. 04-43, passed 11-30-2004; Ord. 08-41, passed 12-16-2008)

**SECTION 2.** That the following amendments be made to Section 50.05:

§ 50.05 FREQUENCY OF COLLECTION AND REMOVAL.

(B) For residential properties, **including apartment and condominium complexes,** located in the Village, Village employees or contractors acting on behalf of the Village shall provide solid waste **household trash and recycling collection** and removal services once per week, except for holidays or when inclement weather conditions prevent the provision of this service, pursuant to a schedule prepared and maintained by the Public Services Department of the Village. Trash **and recycling** receptacles must be placed curbside/**roadside/back alley** side prior to 7:00 a.m. on the day of pickup or no earlier than 5:00 pm prior to the collection day and must be removed from curbside/**roadside/back alley** by the end of the day of pickup. **This provision does not apply to apartment and condominium complexes with common collection areas. For residential properties on major thoroughfares, as determined by the Public Services Director, trash and recycling receptacles must adhere to the same time restrictions above however they shall be placed for collection purposes in the driveway, as opposed to curbside, in such a manner as to be clearly visible from the road in which the driveway enters and/or exits.** Trash **and recycling** receptacles shall be stored between scheduled pickups either within a completely enclosed substantial structure such as a house, garage, shed, or; be stored behind the principal structures' building lines extended for all sides of the structure that directly face a street and be no more than five feet from the principal structure itself (exception: if a home is served by back alley ~~or rear lot trash collection~~ **or is an apartment or condominium complex** ~~or if there are uniform looking, designated trash receptacle storage bins as part of the development,~~ then these **this** requirements may not apply).

**SECTION 3.** That Chapter 50 Solid Waste of the Village of Pinehurst, North Carolina Municipal Code is hereby amended by deleting in its entirety the following sections:

- Section 50.07 Residential Curbside Recycling
- Section 50.08 Recycling at Multifamily Complexes

All subsequent sections in Chapter 50 will be renumbered accordingly.

**SECTION 4.** That this Ordinance amendment shall be and remain in full force and effect from and after the date of its adoption.

This Ordinance adopted this 14<sup>th</sup> day of January, 2014.



VILLAGE OF PINEHURST  
VILLAGE COUNCIL

By: Nancy Roy Fiorillo  
Nancy Roy Fiorillo, Mayor

Attest:

Lauren M. Craig  
Lauren M. Craig, Village Clerk

Approved as to Form:

Michael J. Newman  
Michael J. Newman, Village Attorney