

ORDINANCE #09-02:

AN ORDINANCE AMENDING SECTION 12-2, SOLID WASTE OF THE VILLAGE OF PINEHURST MUNICIPAL CODE.

THAT WHEREAS, the Village of Pinehurst established by Ordinance Chapter 12, Section 12-2, Removal of Garbage, Trash and Refuse by the Village of Pinehurst and later amended the section title to read as Section 12-2, Solid Waste; 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 12, Section 12-2 of the Pinehurst Municipal Code;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in regular session assembled this 27th day of January, 2009 as follows:

SECTION 1. That the following amendments be made to Section 12-2.6:

12-2.6 Frequency of Collection and Removal.

No garbage that has become decayed or that shall otherwise be a menace to health or cleanliness shall be allowed to remain in any dwelling house, hotel, cafe, restaurant, lunch stand, fruit stand, meat market, store, or other building, on any premises, for a longer time than shall be reasonably necessary to remove and deposit it in a can provided in accordance with this Section.

For residential properties located in the Village, Village employees or contractors acting on behalf of the Village shall provide solid waste collection and removal services **twice 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 Works **Services** Department of the Village. Trash receptacles must be placed curbside 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 by the end of the day of pickup. Trash 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 if there are uniform looking, designated trash receptacle storage bins as part of the development, then these requirements may not apply).

The owner, tenant or other agent of nonresidential property in the Village shall be responsible for arranging for the collection and removal of solid waste from those premises. All solid waste shall at all times be maintained in securely covered garbage receptacles or dumpsters,

and the owner, tenant or other agent of nonresidential property is responsible for providing for disposal of the solid waste at least ~~twice~~ once per week. The Public Works Services Director is authorized to require service in addition to the ~~twice~~ once per week minimum, if, in the opinion of the Public Works Services Director, either the condition of the solid waste, the proximity of the nonresidential property to residential properties, the location of the garbage receptacles or dumpsters, or seasonal factors dictate such. Failure to abide by the direction of the Public Works Services Director shall subject the property owner, tenant or other agent to the enforcement procedures, including penalties, described in but not limited to, subsection 12-2.13 of this section. (Ord. #04-43, §1, Exh. A)

SECTION 2. That the following amendments be made to Section 12-2.8:

12-2.8 Residential Curbside Recycling. Recyclable materials shall be placed at curbside on the day of recycling. The recyclable materials shall be placed curbside by 7:00 a.m. on the scheduled collection day. Recycled material shall be collected once per week on a schedule designated by the Public Works Services Director unless holidays or inclement weather prevent the provision of this service (Ord. #04-43, §, Exh. A)

SECTION 3. That the following amendments be made to Section 12-2.9:

12-2.9 Recycling at Multifamily Complexes. Multifamily complexes which receive garbage service by the use of dumpsters, and other multifamily complexes, will receive recycling collection services once per week in a manner and at locations as agreed to between the Public Works Services Director and the management of the multifamily complex. (Ord. #04-43, §1, Exh. A)

SECTION 4. That the following amendments be made to Section 12-2.11.d:

12-2.11 Yard Waste Collection.

d. Collection of yard debris shall occur once per week on a regular schedule as designated by the Public Works Services Director, unless holidays or inclement weather prevent the provision of this service. In the event of holidays, the collection of yard debris shall occur on the next business day unless inclement weather prevents the provision of this service. (Ord. #04-43, §1, Exh. A)

SECTION 5. That this Ordinance amendment shall be and remain in full force and effect from its implementation which shall be no sooner than May 1, 2009.

SECTION 6. Adopted this 27th day of January, 2009.

(Municipal Seal)



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____

George P. Lane
George P. Lane, Mayor

Attest:

Linda S. Brown

Linda S. Brown, Village Clerk

Approved as to Form: _____

Michael J. Newman
Michael J. Newman, Village Attorney