

**ORDINANCE #08-41:**

**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 16<sup>th</sup> day of December, 2008 as follows:

**SECTION 1.** That the following amendments be made to Section 12-2.3:

12-2.3 Garbage Receptacles 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 item "e" below.**

~~b. Unless otherwise provided in this Section, all garbage cans, when not placed at curbside for pickup, shall be placed at or near the side or rear entrance of any residence.~~

~~b.~~ e. 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.~~ d. Any apartment complex or condominium complex shall provide itself with an appropriately sized dumpster or dumpsters for garbage collection. 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 paragraph ~~d~~ e. The Village will provide collection service for all complexes mentioned in this paragraph ~~d~~ e.

~~d.~~ e. All garbage receptacles shall be kept reasonably clean by the homeowner or tenant by the use of effective cleaners and disinfectants.

e. ~~f.~~ The Village may elect, at its option, to provide residential receptacles 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.** (Ord. #04-43, §1, Exh. A)

**SECTION 2.** 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 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 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 per week. The Public Works Director is authorized to require service in addition to the twice per week minimum, if, in the opinion of the Public Works 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 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 3.** That this Ordinance amendment shall be and remain in full force and effect from and after the date of its adoption.

**SECTION 4.** Adopted this 16<sup>th</sup> day of December, 2008.

(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