



Charlotte City Council

Environment Committee

Meeting Summary for September 12, 2016

COMMITTEE AGENDA TOPICS

- I. **Subject:** Environment Committee Overview
Action: None
- II. **Subject:** Solid Waste Services Ordinance Update
Action: None
- III. **Subject:** Water Meter Upgrades
Action: None

COMMITTEE INFORMATION

Present: John Autry, James Mitchell, Patsy Kinsey, Al Austin, Claire Fallon
Time: 12:00 to 1:00 p.m.

ATTACHMENTS

1. Agenda Package
2. Solid Waste Ordinance
3. Presentations

DISCUSSION HIGHLIGHTS

Chairman Autry called the meeting to order and asked everyone in the room to introduce themselves. He then turned it over to Assistant City Manager Hyong Yi.

I. **Environment Committee Overview**

Mr. Yi provided a very brief overview of last year's work and upcoming work for the Environment Committee (see attached presentation). He discussed the new process for the FY2018 Focus Area Plans as well as the timeline to get the plans approved.

Environment Committee

Meeting Summary for September 12, 2016

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II. Solid Waste Services Ordinance Update

Mr. Yi stated that this item is a referral from the City Council during the last budget process. The Committee was emailed the current Solid Waste Services Ordinance and a copy placed in front of them (copy attached). Mr. Yi said staff was asked to go back and look at the existing ordinance and updated it as necessary. Staff has been working on this and attempting to understand what is in the ordinance now and identify the parts that need to be adjusted regarding services, enforcement, and update the definitions.

Victoria Johnson updated the Committee on the work they have done so far which includes reaching out to other cities and comparing best practices and sending questions to Mecklenburg County to clarify a few items. They have also started having meetings with Legal and other departments to go over each section of the ordinance. She indicated they are making sure their language is clear but also a little more flexible and less rigid as it currently is written.

The Committee members indicated they thought it was important for the ordinance to be flexible to allow the City to be able to implement innovative ideas as they happen. Chairman Autry thanked staff for the update.

III. Water Meter Upgrades

Mr. Yi introduced Shawn Coffman to provide a brief update on the multi-phase metering strategy program and the meter replacement project currently underway. Mr. Coffman began reviewing the “Meter Strategy Update” presentation (copy attached). He discussed the water distribution system, the importance of the metering system and the core components of the metering programs. He also reviewed the register/transmitter replacement project and the timeline which is scheduled to be completed by fiscal year 2017.

The Committee discussed how we compare to other cities with this project and the importance of leak detection. Chairman Autry thanked staff for the information and adjourned the meeting at 1:00 p.m.

Environment Committee

Monday, September 12, 2016; 12:00 – 1:30 p.m.
Charlotte-Mecklenburg Government Center
Room 280

Committee Members: John Autry, Chair
James Mitchell, Vice Chair
Claire Fallon
Patsy Kinsey
Al Austin

Staff Resource: Hyong Yi, City Manager's Office

AGENDA

- I. **Environment Committee Overview**
Staff Resource: Hyong Yi, City Manager's Office
Staff will review accomplishments from last year, review the FY2016 Environment Focus Area Plan, and discuss key things to come.
Action: None, for information only.
Attachment: 1. FY2016 Environment Focus Area Plan

- II. **Solid Waste Services Ordinance Update**
Staff Resources: Hyong Yi, City Manager's Office
Victoria Johnson, Solid Waste Services
Staff will provide an update on the Solid Waste Ordinance review.
Action: None, for information only.

- III. **Water Meter Upgrades**
Staff Resource: Shawn Coffman, Charlotte Water
Staff will provide an update on the multi-phase metering strategy program and the meter replacement project currently underway.
Action: None, for information only.

Next Meeting: Monday, October 3, 2016 at Noon in Room 280

Distribution:	City Council Bob Hagemann	Ron Kimble, Interim City Manager Stephanie Kelly	Executive Team Environmental Cabinet
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Environment

.....**FY2016 Strategic Focus Area Plan**

“Charlotte will become a global leader in environmental sustainability, preserving our natural resources while balancing growth with sound fiscal policy.”

The City of Charlotte recognizes that environmental stewardship is fundamentally important to quality of life and essential to maintaining a vibrant economy. Protecting our natural resources, promoting conservation, and improving the environment all enhance the City's mission to preserve its citizens' quality of life.

Charlotte will become a global leader in environmental sustainability by:

- Becoming a model environmental community in how it manages solid waste, energy, water and air;
- Leading by example by practicing environmental stewardship in City operations and facilities as directed through the Internal Environmental Operations Plan;
- Seeking and supporting collaborative and regional solutions to environmental problems;
- Applying technologies to develop “smart city” solutions to our environmental goals.

Specific initiatives to support these goals include:

FY2016 Initiatives	Key Indicators – Community
Waste	<ul style="list-style-type: none"> • Develop baseline towards 100% achievement of waste diversion from landfill
Energy	<ul style="list-style-type: none"> • Develop baseline towards achieving carbon neutral footprint for the community
Water	<ul style="list-style-type: none"> • Develop baseline towards reducing potable water use per capita • Develop baseline towards making all Charlotte waterways swimmable and fishable
Air	<ul style="list-style-type: none"> • Develop baseline towards achieving 50% tree canopy • Develop a baseline towards 100% of households located within a 5 minute walk of a transit option by 2050
Smart City	<ul style="list-style-type: none"> • Develop the Happiness Index for Charlotte

FY2016 Initiatives	Key Indicators – City Organization
Waste	<ul style="list-style-type: none"> • Develop baseline towards achievement of 100% waste diversion from the landfill
Energy	<ul style="list-style-type: none"> • Develop baseline towards achievement of carbon neutral footprint for City operations • Develop baseline toward 100% LEED certified or equivalent government
Water	<ul style="list-style-type: none"> • Develop baseline towards using water as efficiently as possible
Air	<ul style="list-style-type: none"> • Develop baseline towards increasing alternative fuel and vehicle technology use
Smart City	<ul style="list-style-type: none"> • Develop baseline towards creating an engaged and connected workforce

Environment Committee Meeting

September 12, 2016

Agenda

1. Environment Committee Overview
2. Solid Waste Services Ordinance Update
3. Water Meter Upgrades



National Drive Electric Week™
September 10 - 18, 2016
Join us for a celebration near you.

Celebrate Transportation Choices and the
2016 National Drive Electric Week

The Centralina Clean Fuels Coalition and the City of Charlotte, in partnership with Envision Charlotte, invite you to learn about transportation options in the city and participate in National Drive Electric Week. On September 12th the Charlotte-Mecklenburg Government Center's Circle will be transformed into an interactive event made up of electric vehicle displays, presentations and organization tables. Come out to join in on the fun!

You're Invited!
Monday,
September 12th
11:00-1:30 PM
Charlotte-Mecklenburg
Government Center
600 East 4th Street
Charlotte, NC 28202



With ranges up to 200 miles and potential fuel savings of \$1,000 per year, why wouldn't you drive electric?

- 11:00 AM – 1:30 PM
- CMGC Plaza
- Electric Vehicles on display
- Alternative Modes of Transportation
- Community partners

Environment Committee Overview

Last Year...	This Year...
<ul style="list-style-type: none"> • Post Construction Controls Ordinance • Sustainable Facilities Operations Plan • Solid Waste Multi-Family Review • Tree Save Ordinance Text Amendment • Drinking Water Quality • Alternative Fuels Strategy 	<ul style="list-style-type: none"> • Update Focus Area Plan • Solid Waste Ordinance Review • Water Meter Upgrades • Smart Cities • Urban Forestry • City-wide Energy Strategy

FY2018 Focus Area Plan Updates

- Provide policy guidance in advance of the FY2018 budget development process (departments submit their preliminary budget requests in January)
- Focus Area Plans will include elements from the Strategic Policy Objectives and will have a slightly revised format to include a section for a few key performance measures
- Information about the revised Focus Area Plan timeline was included in the September 7th Council-Manager Memo
- Currently scheduling meetings that will include the Committee Chairs and Vice Chairs, the ACM, and Strategy and Budget to further discuss planned changes to the Focus Area Plan layout and timeline

Focus Area Plan Timeline

- NOW - Focus Area Cabinets are drafting proposed FY2018 Focus Area Plans for the Committees to review
- November - Committees to recommend approval
- December 12 - Council will be asked to adopt the FY2018 Focus Area Plans at the Business Meeting

Solid Waste Services Ordinance Update

- Referral from Council
- Current ordinance emailed to Committee members
- Solid Waste Staff to go over approach and progress
- Discussion

ARTICLE II. - SOLID WASTE SERVICES^[2]

Footnotes:

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State Law reference— Solid waste management, G.S. 130A-290 et seq.; authority to regulate the placing of trash and refuse within the municipal limits, G.S. 160A-303.1.

DIVISION 1. - GENERALLY

Sec. 10-31. - Purpose; conflicts.

This article is determined and declared to be a health, sanitary, and safety measure necessary for the promotion, protection, and preservation of the health, safety, and general welfare of the people of the city. Whenever this article conflicts with any other portion of the city Code, this article shall prevail with respect to any matters relating to solid waste services.

(Code 1985, § 10-16)

Sec. 10-32. - Definitions.

The following words, terms and phrases, and their derivatives, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building material means but is not limited to lumber, brick, stone, carpet, plumbing materials, plaster, concrete, roofing, floor coverings, gutters or other materials or substances accumulated as a result of construction, repairs, or additions to existing structures or accessory structures or demolition of such.

Bulk container means a metal container of not less than two cubic yards nor larger than eight cubic yards, made of watertight construction with doors opening on two sides and top, constructed so that it can be emptied mechanically by specially equipped trucks.

Bulky items means but is not limited to, items such as household furnishings, household appliances, mattresses, box springs, lawn equipment, i.e., mowers, sidewalk vacuums, rototillers, wheelbarrows and similar household items.

Business trash means any accumulation of paper, cardboard, packaging materials, rags, or accumulations of incidental garbage other than household trash, which is associated with the operation of stores, offices, and commercial establishments.

Collection schedule means the days of collection; being Monday, Tuesday, Wednesday, Thursday and Friday unless otherwise authorized by the solid waste services key business executive.

Designated collection area means that geographic location where solid waste collection services are provided.

Detachable container means a unit varying in capacity between 15 cubic yards and 40 cubic yards which is used for collecting, storing and transporting solid waste, building materials, commercial trash, industrial waste and/or hazardous waste. The unit may or may not use an auxiliary stationary packing mechanism for compaction of materials into the container and may be of the open or enclosed variety. The distinguishing feature of the detachable container is that it is picked up by a specially equipped truck for transporting the waste materials to the disposal site.

Fee means the residential solid waste fee imposed by the city council, which is adopted from time to time.

Foul odors means offensive odors emanating from, but not limited to, garbage.

Garbage means the by product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking and consumption of food or other matter which is subject to decomposition, decay, putrefaction, and/or the generation of noxious or offensive gases or odors, or which during and/or after any decay may serve as breeding or feeding material for flies, insects and/or animals.

Graffiti means writings, drawings, inscriptions, figures or marks of paint, ink, chalk, dye or other similar substances on public or private buildings, structures or places which are not authorized or permitted by the property owner or possessor. For the purpose of this article, graffiti includes drawing, writings, markings or inscriptions regardless of the content or the nature of materials used in the commission of the act.

Hazardous waste is defined as published in the North Carolina Hazardous Waste Management Law adopted from the federal Environmental Protection Agency (EPA). For the purposes of this article, the definition of "hazardous waste" has been condensed. The items defined are not inclusive of all items specified by the EPA regulations. Hazardous waste is defined as potentially dangerous byproducts of our highly industrialized society which can not be handled, treated, or disposed of without special precautions. It includes ignitable, corrosive, reactive, and toxic wastes such as acetone, gasoline and industrial alcohols, alkaline cleaners, acids, cyanide, and chlorine, arsenic, pesticide wastes, paint, caustics, infected materials, offal, fecal matter (human and animal) and explosives.

Heavily wooded lots means lots densely wooded with trees, shrubs and overgrowth where equipment cannot maneuver because of the density of the area.

Household trash means any waste accumulation of paper, sweepings, rags, bottles, cans, or other matter of any kind, other than garbage, which is usually attendant to housekeeping, except recyclables.

Industrial waste means all waste, including solids, semisolids, sludges and liquids, created by factories, processing plants or other manufacturing enterprises.

Junk means any item creating a littered condition, including but not limited to dilapidated furniture, appliances, machinery, equipment, building material, automotive parts, tires, or other similar items which are either in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition and are not completely enclosed in a building or dwelling.

Key business executive and *KBE*, when used in article II or III of this chapter, mean the director of the solid waste services key business unit or designee.

Litter means all discarded manmade materials, including, but not limited to, solid waste materials, building materials, industrial materials, and hazardous waste.

Loading and unloading areas means any loading or unloading space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons.

Mobile home means a structure, transportable in one or more sections, which in the traveling is eight feet or more in width or is 40 feet or more in length or, when erected on site, is more than 320 square feet and which is built on a permanent chassis and used or designed for use as a residence, with or without a permanent foundation, when connected to the required utilities.

Multiple residential unit means any apartment, group of apartments, or condominiums used for dwelling places of more than four families.

Neighborhood development code enforcement division means the administrative unit of the city's neighborhood development key business unit, or of any successor department of the city, that is charged by the chief executive of such department with the responsibility for enforcing articles II and III of this chapter.

Neighborhood development code enforcement inspector mean any person who is authorized by the chief executive of the city's neighborhood development key business unit, or of any successor department of the city, to enforce the provisions of articles II and III of this chapter.

Nonresidential unit means any retail, manufacturing, wholesale, institutional, religious, nonprofit organization, government, or other nonresidential units.

Nuisance means something that is dangerous or prejudicial to the public health or public safety.

Person means any natural person, owner, agent, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, occupant, lessee, tenant, or representative or group of individuals or entities of any kind.

Physical disability means a medical condition, verified by a registered physician, that makes an individual either physically unable to bring a rollout container to the curbside for collection and/or undertaking such an act would clearly and seriously threaten that person's health.

Portable packing unit means a metal container not exceeding 4,500 pounds gross weight with a four-to-eight cubic yard capacity that contains a packing mechanism and an internal or external power unit.

Premises means lots, sidewalks, rights-of-way, grass strips, or curbs up to the edge of the pavement of any public street.

Public rights-of-way means land that is dedicated or otherwise legally established for public use.

Recyclables means newspapers and accompanying inserts, corrugated cardboard, glass food and beverage containers, plastic soft drink and liquor bottles, spiral paper cans, aluminum, bimetal cans, steel or tin cans, yard waste and other items determined to be recyclable by the solid waste services key business executive.

Recyclables bin means a plastic container furnished by the city and distributed for use in the residential recyclables collection program.

Residence means property used or, if vacant, designed to be used as a residential dwelling for one or more persons, whether or not the property is also used for other nondwelling purposes. The term includes mobile homes, single-family, multi-family, and other structures used or designed to be used as residential dwellings. There can be multiple residences within a single structure, such as apartments, duplexes, townhouses, or condominiums. The term does not include hotels, motels, inns, tourist camps, or other similar places that are required to collect a room occupancy tax.

Residential solid waste means garbage and trash, and may include glass jars, bottles, aluminum cans, steel cans, plastic soda and liquor bottles, newspapers and inserts, plastic milk and water jugs, spiral paper cans, and other solid waste, including yard waste. Residential solid waste shall not include discarded building materials, trees, brush and other material resulting from the activities of building contractors, lawn services, larger quantities of sod, dirt and trash from land clearing and other material requiring special handling.

Residential unit means one single-family residence or an individual apartment or condominium in a multiple-family residence, unless otherwise specified by the city.

Rollout container means the authorized wheeled garbage disposal container approved by the city for use by the residents for garbage collection services.

Single residential unit means any dwelling place occupied by one family.

Solid waste means accumulations consisting of any combination of business trash, garbage, household trash, bulky items, yard waste, recyclables and junk and shall be collected through curbside trash, rollout, recyclables, yard waste, bulky items, or business trash collection activities.

Special residential unit means any duplex, triplex, or quadruplex.

Special tax district #1 means a section of the city bounded by I-77, Brookshire Freeway, and the John Belk Freeway (I-277).

Tryon Street Mall (mall) means the area of Tryon Street beginning at Stonewall Street and extending to Eighth Street, including the blocks designated as the 100 blocks of East and West Trade Street, including both sides of Tryon Street and Trade Street as described in this definition.

Weeds and grass means weeds, grass and other vegetation in excess of 12 inches in height.

Wheeled container means a plastic container of substantial construction having a capacity of not less than 64 gallons used for the collection of recyclables from city-served multiple residential units. The container shall be designed so that it can be emptied mechanically by specially designed lift devices attached to the city or city-authorized collection vehicles. Only wheeled containers having a capacity of 64 gallons shall be used for the collection of recyclables from city-served multiple residential units as determined by the solid waste services key business executive. Wheeled containers of 64 gallons may also be used to store commercial trash and garbage.

Yard waste means grass, weeds, leaves, tree trimmings, plants, shrubbery prunings, and such other similar materials which are generated in the maintenance of yards and gardens, which are separated from other solid waste materials and placed in a designated recycling collection area. Yard waste shall not include trees, tree limbs, brush and other material resulting from commercial tree trimmers and/or commercial lawn care services.

(Code 1985, § 10-17)

Cross reference— Definitions generally, § 1-2.

Secs. 10-33—10-60. - Reserved.

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT^[3]

Footnotes:

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Cross reference— *Administration, ch. 2.*

Sec. 10-61. - Authority.

- (a) The neighborhood development code enforcement division of the city's neighborhood development key business unit shall be responsible for the administration and enforcement of the provisions of this article, except as otherwise stated. Nothing in this article shall be construed to limit the legal authority of the officers of the city's police department to enforce ordinances or carry out their other duties.

- (b) A neighborhood development code enforcement inspector shall have the following authority:
- (1) To enter upon property;
 - (2) To obtain an administrative search and inspection warrant, if necessary, as provided in G.S. 15-27.2;
 - (3) To issue a notice of violation and impose civil penalties;
 - (4) To enter upon or authorize an agent to enter upon and clean up premises in violation of this article; and
 - (5) To summarily remove, abate, or remedy everything in the city limits that is considered by ordinance to be either dangerous or prejudicial to the public health or which has been declared to be a nuisance.

(Code 1985, § 10-17.1)

Sec. 10-62. - Interference with authorized personnel and authorized collector prohibited.

- (a) It shall be unlawful for any person to interfere, harass, or otherwise impede a city neighborhood development code enforcement inspector, solid waste collection crew and/or a city authorized solid waste collector who is carrying out or acting within the scope of his/her duties. A law enforcement official shall have the authority to arrest an individual in violation of this section.
- (b) It shall be unlawful for any person to interfere, harass, or otherwise impede a community improvement inspector when conducting an investigation under the authority of a lawfully issued administrative search warrant or when otherwise carrying out the enforcement provisions of this article and article III of this chapter after a notice of violation has been issued and the time for compliance has expired.
- (c) A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-18)

Sec. 10-63. - Responsibility of owners, agents, occupants, etc.

Except as specified in section 10-212, the person owning the property, acting as manager or agent for the property, or in possession or control of the property, such as a tenant, occupant, or lessee, shall be responsible for complying with this article and correcting any violation.

(Code 1985, § 10-19)

Sec. 10-64. - Violations; enforcement articles.

It shall be unlawful to violate any provision of this article. Any one or more of the following enforcement actions may be taken for any violation of this article:

- (1) The city's law enforcement officers may issue a uniform citation.
- (2)

The neighborhood development code enforcement division manager or designee may charge the violator with a misdemeanor and subject the violator to any penalty prescribed by § 2-21.

- (3) The neighborhood development code enforcement division manager or his designee may assess a civil penalty in the amount established in the specific provisions against the person responsible for the violation. A written notice of assessment shall be mailed or hand delivered to the responsible person at the address listed in the county property tax records unless the neighborhood development code enforcement division has knowledge that the person is residing at a different address. Service of notice is complete by depositing the notice in first class mail or by serving the notice by hand delivery.

Such penalty shall be due and payable to the city no later than 30 days after the notice of assessment has been served. Failure to pay the civil penalty or file an appeal within 30 days of service of the notice assessment shall result in an additional penalty of \$50.00. The neighborhood development code enforcement division may collect civil penalties in a civil action in the nature of a debt.

- (4) The neighborhood development code enforcement division manager or his designee may apply to the appropriate court for an injunction and order of abatement which would require that a violator correct any unlawful condition relating to this article existing on the property.
- (5) The neighborhood development code enforcement division manager or his designee may hire a contractor to correct any condition existing upon real property in violation of any provisions of this article. The costs resulting therefrom, including the neighborhood development code enforcement division's investigative and administrative costs, may be assessed as a civil penalty in the manner described in subsection (3) of this section, to the person responsible for the violation. The neighborhood development code enforcement division may pay the contractor for the services performed and send the contractor's original invoice to the finance department. If the civil penalty is not paid, the finance department shall levy a lien against the property in an amount equal to the civil penalty as provided by the authority of Charter section 6.103. The finance department shall provide notice, by regular mail, to the property owner within five days of levying a lien on the property.

The finance department shall be authorized to cancel any lien filed pursuant to this article that has been satisfied or was placed against the property in error. A property owner can challenge the filing of a lien by a written appeal to the finance department within 60 days of the date the notice of lien filing was made by the finance department indicating that a lien has been placed against the property.

(Code 1985, § 10-20; Ord. No. 2447, §§ 3, 4, 11-24-2003; Ord. No. 2562, § 1, 3-22-2004)

Sec. 10-65. - Notice of violation.

- (a) Except as provided in subsection (c) of this section, the neighborhood development code enforcement division manager or his designee shall notify the person responsible for a violation of any provision of this article and give the responsible person a specified time to correct the violation. If the violation is not corrected within the time specified, the neighborhood development code enforcement division manager or his designee shall initiate enforcement proceedings as described in section 10-64.
- (b) Notice of a violation shall be given in writing and mailed or hand delivered to the address listed for the responsible person in the county property tax records, unless the community improvement division has actual knowledge that the person is residing at a different address. Service of any written notice is complete by hand delivering the notice or by depositing the notice in first class mail.
- (c) Exceptions.
 - (1) No written notice will be given to persons placing solid waste and/or containers at curbside prior to the day preceding the scheduled curbside collection date or not removing solid waste and/or containers from curbside by midnight on the day of collection.
 - (2) No written notice will be given when the community improvement division manager or his designee has the authority to summarily remove, abate, or remedy a violation of this article.
 - (3) When a person has failed to comply with a notice of violation as described above, the neighborhood development code enforcement division shall not be required to provide further notices of violation to that person with regard to the same property before taking any of the enforcement actions authorized by section 10-64.

(Code 1985, § 10-21)

Sec. 10-66. - Adjudicatory hearing.

- (a) Any person who has been assessed a civil penalty for a violation of this article may request a hearing with the neighborhood development key business executive or his designee. Such request must be made in writing, filed with the neighborhood development key business executive or his designee within 30 days of the notice of assessment, and state the reasons why the civil penalty should not have been assessed. Failure to request a hearing in the time and manner specified shall constitute a waiver of the right to contest the penalty.
- (b) A person requesting a hearing must post a bond equal to the amount of the civil penalty before an appeal hearing will be scheduled. Once the bond is posted, the hearing will be scheduled within 15 business days.
- (c) The neighborhood development key business executive or his designee shall serve as the hearing officer. Any person against whom a decision of the hearing officer is made may seek judicial review of the decision by filing a written petition within 30 calendar days after receipt of the notice of the decision, but not thereafter, with the superior court of the county. The proceedings in superior court shall be in the nature of certiorari.

(Code 1985, § 10-22; Ord. No. 2447, § 5, 11-24-2003)

Secs. 10-67—10-95. - Reserved.

DIVISION 3. - COLLECTION SERVICES

Sec. 10-96. - Mandatory solid waste collection.

- (a) Solid waste collection is determined by ordinance.
- (b) Each residential premises in the city shall be provided solid waste collection services. Collection schedules shall be determined by the solid waste services key business executive. Collection schedules may be altered to observe holidays or to meet emergency situations.
- (c) No owner or occupant of a residential premises shall prohibit or prevent solid waste collection services, including recyclables collection, at the premises.

(Code 1985, § 10-29)

Sec. 10-97. - Ownership of materials.

- (a) *Recyclables*. Recyclable materials which are properly placed by an owner or occupant of a property at curbside for collection are deemed to be abandoned by such person and become the property of the city or its authorized agent.
- (b) *Yard waste*. Yard waste which is properly placed by an owner or occupant of a property at curbside for collection is deemed to be abandoned by such person and become the property of the city or its authorized agent.
- (c) *Bulky items*. Bulky items which are properly placed by an owner or occupant of a property at curbside for collection are deemed to be abandoned by such person and become the property of the city or its authorized agent.

(Code 1985, § 10-30)

Sec. 10-98. - Unauthorized collection prohibited.

It shall be unlawful for any person not authorized by the city to collect, or pick up, or cause to be collected or picked up, any solid waste including recyclables, yard waste and/or bulky items.

(Code 1985, § 10-31)

Sec. 10-99. - Rollout container collection service.

- (a) Rollout container collection service shall be provided to single residential units and special residential units, provided such special residential units are not part of a multifamily complex containing 30 or more units. The approval of development configurations, lot lines, phase lines, or variations in forms or

timing of ownership that may be approved under any provisions of the city subdivision ordinance and/or the city zoning ordinance after initial approval of development configurations, lot lines, phase lines, or variations in forms or timing of ownership, will not exempt the development or any portions of the development from the applicable provisions of this section.

- (b) Except as provided in section 10-100, rollout containers will be collected from the curb. Containers must be placed at ground level, within six feet of the curb and at least three feet away from each other or other obstacles such as mailboxes, telephone poles, automobiles, bulky items, trees, etc., or in a location specified by the solid waste service director or director's designee. A customer should use reasonable care and caution when placing a rollout container along the curb and should avoid interfering with the access to or denying the use of a sidewalk by others. Service may be denied to:
- (1) Any improperly placed container;
 - (2) Any container that is not accessible to solid waste services personnel without having to unlock or open a door, ascend or descend multiple steps, unlock or open a gate or similar obstacle, or encounter a vicious animal; and
 - (3) Any container rendered inaccessible by parked vehicles, equipment or other objects.
- (c) Rollout containers shall be placed at the curb no earlier than the day before the collection day and shall be removed by midnight on the collection day
- (d) Garbage shall be drained of all liquid and enclosed in securely tied plastic bags prior to being placed in rollout containers.
- (e) It shall be unlawful to place dangerous items and/or any waste materials of injurious nature such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes in rollout containers for collection. Hypodermic syringes, hypodermic needles or any instrument or device for making hypodermic injections shall not be disposed of except as provided in section 10-111.
- (f) Civil penalty. Any customer who places solid waste at curbside prior to the day before the scheduled collection date or who fails to remove solid waste and/or containers from curbside by midnight on the day of collection may be issued a civil penalty the amount of \$50.00. Any person who fails to properly prepare or containerize solid waste for curbside collection may be issued a civil penalty in the amount of \$50.00.

(Code 1985, § 10-32; Ord. No. 2760, § 1, 10-11-2004; Ord. No. 5090-X, § 1(Exh. A), 4-22-2013)

Sec. 10-100. - Service for physically disabled persons.

- (a) For physically disabled persons, rollout containers will be collected in the backyard on a scheduled curbside collection day provided that prior approval has been granted based upon a valid medical verification form submitted to the solid waste services key business unit.
- (b) The city shall reserve the right to verify the need for extending physically disabled services provided to residents that have been approved to receive such services. The city shall reserve the right to continue or discontinue service.

(Code 1985, § 10-33)

Sec. 10-101. - Stationary container collection service.

- (a) Any multiple-residential units and/or city governmental agency, referred to in this division as "unit," that furnishes and maintains a bulk container, detachable container or portable packing container will be eligible to receive service provided by the city's private contractor. Eligibility for service provision will be determined by the solid waste services key business executive or his designee after an analysis of the need of the requesting unit. The container shall be of sufficient size as determined and approved by the solid waste services key business executive or his designee and must be suitable for handling by a private contractor.
- (b) Such containers shall at all times be kept clean, neat, painted, in a good state of repair and easily accessible to collection personnel. Service shall be discontinued to units failing to maintain containers properly. No service will be given to those units permitting objects, obstructions, or vehicles to hinder in way the servicing of such container. Container lids shall be kept closed at all times. All doors and lid springs shall be in working condition. Cleaning up spilled materials shall be the responsibility of the property owner or occupant.
- (c) Units using bulk containers will not receive residential, curbside, yard waste or recyclables collection services by city collection forces. However, they are eligible for recyclables collection as offered by the private contractor under contract to the city and to receive Christmas tree collection by the city's collection forces or authorized agent as agreed upon with the complex management if the trees are placed in a designated location as determined by the solid waste service key business executive or his designee. Commercial establishments leasing such containers shall be responsible for notifying their service contractor of any damaged conditions. Bulky item collection will be provided for tenants at a site designated by the solid waste services key business executive or his designee.
- (d) All garbage shall be drained of all liquid and enclosed in securely tied plastic bags prior to placing in containers.
- (e) It shall be unlawful to place dangerous items and/or any waste material of injurious nature, such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes in bulk containers. Hypodermic syringes, hypodermic needles or any instrument or device for making hypodermic injections shall not be disposed of except as provided in section 10-111.
- (f) Any person who fails to properly containerize solid waste for collection may be issued a civil penalty in the amount of \$50.00.

(Code 1985, § 10-34)

Sec. 10-102. - Nonresidential collection service.

- (a) Except as provided in section 10-103, nonresidential (business trash) collection service shall be limited to nonresidential units generating a maximum of 512 gallons per week using no more than eight approved containers. No single container may weigh more than 75 pounds or exceed 100 gallons in volume when full. Designated representatives of the solid waste services key business unit shall have the authority to determine whether a unit is generating more than the maximum capacity per collection and if so, such units shall be denied city service. The city shall not be responsible for and shall not provide any collection service to nonresidential units generating more than 512 gallons of solid waste per week. The occupant and/or owner of the premises shall be responsible for collecting, removing and properly disposing of all solid waste from those premises.
- (b) Containers shall be placed curbside for collection. Containers will be collected provided they are easily accessible to collection personnel without having to unlock or open a door, unlock a gate or similar obstacle, encounter a vicious animal, or otherwise be denied reasonable access by parked vehicles, equipment or other objects. Collection personnel shall not provide service if required to ascend or descend multiple steps to obtain access to the containers.
- (c) All garbage shall be drained of all liquid and enclosed in securely tied plastic bags prior to placing in containers.
- (d) It shall be unlawful to place dangerous trash items and any waste materials of injurious nature such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes in collection containers unless they are securely wrapped and marked so as to prevent injury to the collection personnel. Hypodermic syringes, hypodermic needles or any instrument or device for making hypodermic injections shall not be disposed of except as provided in section 10-111.
- (e) The city does not provide the multimaterial recycling collection service, yard waste collection service, or bulky item or junk collection for businesses.
- (f) Civil penalty. Any person who places solid waste at curbside any earlier than the day before the scheduled collection date or who fails to remove solid waste and/or containers from curbside by midnight on the day of collection may be issued a civil penalty in the amount of \$50.00. Any person who fails to properly prepare or containerize solid waste for nonresidential collection may be issued a civil penalty in the amount of \$50.00.

(Code 1985, § 10-35)

Sec. 10-103. - Special tax district #1 and Tryon Street Mall.

- (a) Collection in Special Tax District #1 and on the Tryon Street Mall shall be limited to a maximum of 512 gallons of solid waste per week placed in securely tied two-ply plastic bags, in cardboard boxes or in solid waste containers. Containers, cardboard boxes, or bags of solid waste shall be placed at the designated location, as determined by the solid waste services key business executive or designee, between 7:00 a.m. and 10:00 a.m., Monday through Friday. Any containers left at curbside shall be removed within one hour after collection. Notwithstanding the above provisions, the containers,

cardboard boxes, etc., shall be placed at curbside for collection on the Mall only between 7:00 a.m. and 9:00 a.m., Monday through Friday, and shall be removed from the curbside within one hour after collection. The solid waste Key business executive or his designee may require that solid waste be placed at curbside during other hours in order to provide the collection service.

- (b) All garbage shall be drained of all liquid and enclosed in securely tied plastic bags prior to placing in containers.
- (c) It shall be unlawful to place dangerous trash items and any waste materials of injurious nature such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes in collection containers unless they are securely wrapped and marked so as to prevent injury to the collection personnel. Hypodermic syringes, hypodermic needles or any instrument or device for making hypodermic injections shall not be disposed of except as provided in section 10-111.
- (d) Recyclables, yard waste and bulky item collection services will not be provided in this area.
- (e) Nothing in this section shall mandate or imply that a city-served nonresidential unit is entitled to same-day multiple collection or more than once per day collection service by simply adhering to the time parameters in subsection (a) of this section.
- (f) Civil penalty. Any person who places solid waste at curbside prior to the specific times scheduled in subsection (a) of this section or who fails to remove solid waste and/or containers from curbside within the required time period on the day of collection may be issued a citation in the amount of \$50.00. Any person who fails to properly prepare or containerize solid waste for collection may be issued a citation in the amount of \$50.00.

(Code 1985, § 10-36)

Cross reference— Tryon Street Mall vendors, 6-511 et seq.

Sec. 10-104. - Building materials.

- (a) It shall be unlawful to place building material at curbside for collection except as follows:
 - (1) Residential units eligible for bulky items collection per section 10-106 are also eligible for collection services under this section.
 - (2) Collection of eligible items must be scheduled with the solid waste services key business unit. A date will be given when collection will occur. Items for collection shall be placed at curbside no earlier than the day preceding the scheduled collection date. No materials resulting from work performed by a contractor working for a homeowner shall be collected.
 - (3) Building materials resulting from work performed by homeowner repair or renovating that will be collected from single, special residential and multiple residential units include large plumbing materials; space heaters; hot water heaters; collapsed accessory buildings with a maximum size limitation of ten feet by ten feet and capable of being handled by two individuals when collected; guttering no longer than five feet in length; doors; windows; and lumber. Lumber and boards that are eligible for collection shall be no longer than five feet; plywood, paneling and pressboard no

wider than five feet, no longer than five feet, and no thicker than one inch. Landscape timbers are eligible for collection if they are no longer than five feet, no wider than four inches or no thicker than four inches. Carpet and padding shall be collected provided the carpeting is rolled and tied in sections no longer than five feet so that two individuals can easily pickup the sections for disposal. Small gauge fencewire shall be in rolls and large gauge fence wire shall be in sections no longer than five feet so that two individuals can easily pick up the section for disposal. Any building materials collected that include glass, such as windows and mirrors, shall have the glass taped with an "X" mark so it will not shatter as the collectors handle it for disposal.

- (4) The city will not collect the following: dirt; rocks; nails; boards with nails protruding; propane and oxygen tanks; glass blocks; marble or simulated marble countertops; cross ties (i.e., railroad ties); duct or sheet metal material; concrete blocks; brick; floor coverings except for carpeting, padding and rugs; fence or pipe posts with concrete adhered to them; sand; concrete; central air conditioning or heating units; pallets; ceramic tile; sheet rock; roofing or plaster resulting from homeowner repairs; nor will the city collect any building materials resulting from contractual work or commercially related activities.
- (b) Civil penalty. Any person who places building materials at curbside earlier than the day before the scheduled collection date or who fails to remove the items and/or containers the items were placed in from the curbside by midnight on the day of collection may be issued a civil penalty in the amount of \$50.00. Any person who fails to properly prepare or containerize building materials for curbside collection or who places materials that are not eligible for collection may be issued a civil penalty in the amount of \$50.00.

(Code 1985, § 10-37)

Cross reference— Buildings and building regulations, ch. 5.

Sec. 10-105. - Yard waste.

- (a) Yard waste shall be separated from other solid waste at the curbside in accordance with the requirements of this section.
- (b) The following regulations shall apply to yard waste collection:
 - (1) It is mandatory that yard waste be placed together to constitute a single, separate collection in order for the city and/or contractor to carry out its recyclables collection program. Yard waste collection shall be provided only to residential units receiving rollout container service.
 - (2) Yard waste shall not be placed at curbside any earlier than the day before the collection date. Any container used to store yard waste placed at curbside for collection shall be removed by midnight on the day of collection. Collection forces shall collect an amount of yard waste that is customarily and reasonably associated with the residential unit served and so long as it is properly prepared or containerized and in compliance with these regulations. The volume of yard waste placed at

curbside for collection shall not exceed on any designated collection day an amount a reasonable person would expect two individuals comprising the collection crew to load into the collection vehicle.

- (3) Yard waste shall be collected at curbside provided that it is placed in open containers or plastic bags for collection. Such bags shall be in good condition; and of size and weight that when full do not weigh more than 75 pounds each and are such that one individual can easily pick up each bag, one at a time, for disposal. Plastic bags containing yard waste shall not be secured at the top when placed at curbside for collection. Containers used for yard waste shall have all lids removed.
 - (4) Limbs collected by city collection forces shall be no larger than four inches in diameter nor longer than five feet. Tree shrubbery and limbs shall have all protruding branches trimmed. Limbs must be stacked in small, neat piles such that a reasonable person would expect one individual to easily pick up each pile, one at a time, for disposal. Each pile shall weigh no more than 75 pounds and shall not exceed four feet in height nor five feet in length.
 - (5) Tree trunks larger than four inches in diameter will not be collected by city collection forces. Tree stumps will not be collected by city collection forces or its authorized agent.
- (c) It shall be unlawful to allow accumulations of limbs on private property. This shall not include compost areas.
 - (d) The solid waste service key business unit shall have the authority to decline to collect any yard waste that is not ready for collection in accordance with these regulations or exceeds the maximum amount that a city collection crew can reasonably expect to load into the collection truck. The solid waste service key business unit shall have the authority to decline to collect any tree or tree limbs where the service has been performed for a fee by a commercial yard service other than the property owner.
 - (e) Civil penalty. Any person who places yard waste at curbside earlier than the day before the scheduled collection date or who fails to remove yard waste from curbside by midnight on the day of collection may be issued a civil penalty in the amount of \$50.00. Any person who fails to properly prepare yard waste for curbside collection or who places yard waste that is not eligible for collection at the curbside may be issued a civil penalty in the amount of \$50.00.

(Code 1985, § 10-38)

Sec. 10-106. - Bulky and junk items.

- (a) It shall be unlawful for anyone to place or leave bulky items or junk at curbside for collection by the city except in accordance with the requirements of this section.
- (b) Bulky and junk items shall be as defined in section 10-32.
- (c) Collection for bulky and/or junk items shall only be provided to single, special and multiple residential units, except for the Charlotte Housing Authority units, for the benefit of the occupant of the premises who might be currently residing on the premises or who might have recently voluntarily vacated the premises. The service is not available for:

- (1) Renovations, building material, appliance and equipment changes that are commercially related. Such commercially related activities are the responsibility of the rental agent and/or owner of the property.
 - (2) Items from business establishments operated from a residential unit.
 - (3) Any bulky item or junk that pertains to any legal eviction or is the result of any other legal proceedings.
 - (4) Items that are the consequence of a fire at a business or residential structure. The solid waste services key business executive or his designee shall have the authority to exercise discretion to provide collections when as a result of a fire there is only a single bulky item or what would otherwise be a normal collection amount as opposed to clearing the premises of burnt bulky or junk items.
 - (5) Other items that will not be collected as a bulky item or junk are: oxygen tanks and other medical equipment; propane tanks; large oil tanks used for household purposes; parts of campers, boats, camper shells, trailers; automotive parts, including but not limited to motors, doors, fenders, car seats or batteries from a residentially used premises, etc.
- (d) The solid waste services key business executive shall have the discretion to determine if items constitute bulky items or junk as defined in section 10-33 and shall have the discretion to determine whether a request for service is consistent with the eligibility standards as described in this section. The solid waste services key business executive shall have the authority to require items to be prepared for ease of collection and/or to ensure the safety of the employees performing the collection task. An item not prepared properly may be refused for collection at the discretion of the solid waste services key business executive. Special collection requirements for certain items are as follows:
- (1) No bulky item or junk shall be collected if it is too large to be placed on the collection vehicle or if its size or weight is such that two individuals could not be reasonably expected to pick it up.
 - (2) Fifty-five-gallon drums that are for personal use will be collected if both ends have been removed and the drum is flattened.
 - (3) Wooden pallets will be collected only if they are broken into smaller pieces the size of boards or lumber with nails removed.
 - (4) Any appliance accepted for collection must be empty of its contents.
 - (5) Large furniture items shall be dismantled prior to collection such that a reasonable person can expect two individuals to easily load them onto the special collection vehicle.
 - (6) Gasoline and wheels must be removed from all lawn mowers prior to collection.
 - (7) Tires must be removed from all bicycles prior to collection.
 - (8) All glass in windows, doors, mirrors and other items with large expanses of glass must have the glass taped with an "X" mark so it will not shatter in the collection process.
 - (9)

It shall be unlawful to place dangerous items and/or any waste materials of injurious nature such as broken glass; light bulbs; sharp pieces of metal; fluorescent tubes and television tubes out for collection unless they are securely wrapped and marked so as to prevent injury to the collection personnel. Hypodermic syringes, hypodermic needles or any instrument or device for making hypodermic injections shall not be disposed of except as provided in section 10-111.

(e) Tires.

- (1) The solid waste services key business unit will not collect tires from any premises that do not have a lawful residential use and will not collect tires that are generated from any nonresidential and/or commercially related use as determined by the solid waste services key business executive.
- (2) Tires eligible for collection are those used on bicycles, automobiles, motorcycles, large vans, mini vans, and small pickup trucks. No large truck or farm equipment tires shall be collected.

(f) Eligible bulky or junk items must be scheduled with the solid waste services key business unit for collection and placed at curbside prior to collection separate from any other items placed at curbside for city collection. A date will be given when collection will occur. Bulky items and junk shall not be placed at curbside for collection any earlier than the day before the collection date.

(g) Civil penalty. Any customer who places bulky/junk items at curbside prior to the day before the scheduled collection date or who fails to remove bulky/junk items and/or containers from curbside by midnight on the day of collection may be issued a civil penalty in the amount of \$50.00. Any person who fails to properly prepare a bulky/junk item for curbside collection or who places ineligible items for collection may be issued a civil penalty in the amount of \$50.00.

(Code 1985, § 10-39)

Sec. 10-107. - Ashes.

- (a) It shall be unlawful to place ashes or live coals in rollout containers for collection unless the ashes or coals have been wetted, are cool to the touch, and have been enclosed in plastic bags and are securely tied prior to collection.
- (b) Civil penalty. A civil penalty may be issued in the amount of \$50.00 to any person who violates this section.

(Code 1985, § 10-40)

Sec. 10-108. - Fifty-five-gallon drums.

(a) It shall be unlawful to use fifty-five-gallon drums as rollout, bulky/junk, yard waste or recyclables containers for collection by city collection forces or the city's authorized collection agent. It shall be the responsibility of the person in possession, charge or control of the premises where such container is being used for such purposes to discontinue such use.

(b)

Collection forces shall not collect whole fifty-five-gallon drums placed at curbside for disposal. The solid waste services key business unit will collect, as a part of their bulky item trash collection service, fifty-five-gallon drums placed at curbside for collection provided that correct preparation procedures are followed as provided in subsection 10-106(d)(2).

- (c) Civil penalty. A civil penalty may be issued in the amount of \$50.00 to any person who violates this section.

(Code 1985, § 10-41)

Sec. 10-109. - Appliances.

- (a) It shall be unlawful to place appliances at curbside for collection except as stated under section 10-106. It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator or container without it being strapped or locked so that it is impossible for a child to obtain access to it. Any appliance accepted for collection must be completely empty prior to collection.
- (b) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-42)

Sec. 10-110. - Contagious disease material.

- (a) It shall be unlawful to remove clothing, bedding, mattresses, springs, or other solid waste from homes or other places where highly infectious diseases have occurred unless performed under the supervision and direction of the environmental health department. Such solid waste shall not be placed in rollout containers or at curbside for disposal by any city sanitation collection forces. Bulky item collection service shall not be provided for such items.
- (b) Where the local health director finds and declares the existence of an epidemic, or finds and declares that an epidemic is threatened, all solid waste collected by city authorized collection crews or its agents, which the local health director finds and declares to be dangerous to the public health, shall be taken by the collection crews immediately to the disposal site and shall be disposed of as the local health director and solid waste services director may order.
- (c) Civil penalty. A civil penalty in the amount of \$100.00 may be issued to any person in violation of this section.

(Code 1985, § 10-43)

Sec. 10-111. - Hypodermic instruments.

- (a) It shall be unlawful for any person to dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering such device inoperable and incapable of reuse and safeguarding the disposal thereof by placing such device in either a milk jug, coffee can with a lid or such similar containers so as to avoid the possibility of causing injury to the collection personnel.
- (b) Civil penalty. A civil penalty in the amount of \$100.00 may be issued to any person in violation of this section.

(Code 1985, § 10-44)

Sec. 10-112. - Dead animals.

- (a) It shall be unlawful to place dead animals at curbside prior to scheduling for collection by city forces. A request for this service shall be made to solid waste services for scheduling the collection of the dead animal. Dead animals weighting in excess of 100 pounds shall be removed by their owners if ownership has been established or will be removed by city collection forces at the discretion of the solid waste services key business executive. This collection service for dead animals is provided to veterinarians for a fee and must be scheduled at least one day in advance with the special services division. Dead animals already in a street or on the edge of the street, where the owner is not identified, will be scheduled for collection by the city upon notification of their existence.
- (b) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-45)

Cross reference— Animals, ch. 3.

Sec. 10-113. - Industrial waste.

- (a) It shall be unlawful to place industrial waste in refuse rollout containers or at curbside for collection by city collection forces. Industrial waste shall be collected, removed and disposed of by the operator of the factory, plant, or enterprise creating or causing the same.
- (b) Civil penalty. A civil penalty in the amount of \$100.00 may be issued to any person in violation of this section.

(Code 1985, § 10-46)

Sec. 10-114. - Hazardous waste.

- (a) It shall be unlawful for any person to dispose of hazardous waste or to hire or otherwise arrange for a person to dispose of hazardous waste upon another person's property without the consent of the owner of that property, and such person shall be strictly liable, without regard to fault or negligence, for

damages or for any equitable remedies to persons or property, including the cost of the removal of such hazardous waste to a lawfully designated disposal site, resulting from such unlawful disposal of hazardous waste.

- (b) It shall be unlawful to place hazardous waste in any refuse container for disposal except as follows:
 - (1) Paint cans shall have lids removed and contain no wet paint. Kitty litter or sand may be added to solidify material for collection.
 - (2) Soiled kitty litter shall be enclosed in double plastic bags and securely tied prior to placing the bag in containers at curbside for disposal.
 - (3) Soiled infant diapers shall be rinsed of human feces, placed inside double plastic bags and securely tied prior to placing the bag in containers at curbside for disposal.
- (c) Civil penalty. A civil penalty in the amount of \$100.00 may be issued to any person in violation of this section.

(Code 1985, § 10-47)

Sec. 10-115. - Recyclables.

- (a) The following regulations shall govern those persons in city-served residential units who are eligible to voluntarily participate in the city's recyclables collection program.
 - (1) All recyclables except yard waste shall be placed in a container marked "recyclables."
 - (2) The recyclables container shall be placed at curbside separate from other items.
 - (3) Recyclables containers shall be placed at the curb no earlier than the day before the collection day and shall be removed by midnight on the collection day.
 - (4) Civil penalty. Any person who places a recyclables container at curbside earlier than the day before the scheduled collection date or who fails to remove the container from curbside by midnight on the day of collection may be issued a civil penalty in the amount \$50.00. Any person who fails to properly prepare or containerize recyclables for curbside collection may be issued a civil penalty in the amount of \$50.00.
- (b) The following regulations shall govern those persons in multiple-residential units receiving service provided by the city under contract with private companies who are eligible to voluntarily participate in the city's recyclables collection program:
 - (1) All recyclables except yard waste shall be placed in centralized wheeled recyclables containers authorized by the city and provided by the private contractor.
 - (2) Each multiple-residential unit is eligible to receive one individual recyclables bin to transport recyclables to the centralized container. Recyclables bins shall be delivered upon request from the private contractor.
 - (3) The wheeled recyclables container and any overflow materials shall be segregated from all other solid waste at the collection location.

- (4) Wheeled recyclables containers placed at multiple-residential units are the responsibility of the private company to maintain or replace.
- (5) Penalty. Any customer who repeatedly refuses to properly segregate recyclable materials after all reasonable efforts have been exhausted by the contractor and the city to ensure compliance will have his recyclables collection service suspended and wheeled/individual recyclables containers returned to the private company.

(Code 1985, § 10-48)

Secs. 10-116—10-140. - Reserved.

DIVISION 4. - FEES

Sec. 10-141. - Residential solid waste services fee.

- (a) *Purpose.* This fee is for the provision of solid waste services.
- (b) *Levying and billing.* The solid waste fee levied against residential properties shall be billed with property taxes, payable in the same manner as property taxes, and collected in any manner by which delinquent personal or real property taxes can be collected, all as provided in G.S. 105-271 et seq.
- (c) *Administration.* The county tax administrator will levy and collect the fee and may promulgate additional rules and regulations necessary for the implementation of this section not inconsistent with the specific provisions set forth in this in this section.
- (d) *Residential property affected.* The solid waste fee levied against residential properties is imposed upon all property in the city which is a residence. The fee is imposed on each separate residence.
- (e) *Date as of which ownership and eligibility for imposition of the solid waste fee levied against residential properties is to be determined.* The ownership of property subject to the solid waste fee levied against residential properties shall be determined as of January 1, 1996, for the fiscal year beginning July 1, 1996, and as of January 1 of each year thereafter for each successive fiscal year for which the fee is imposed. If any property subject to the solid waste fee levied against residential properties as of January 1 is destroyed, demolished or removed, becomes uninhabitable, or otherwise loses its eligibility for the fee prior to July 1 and remains as such as of July 1 of that calendar year, the property will not be subject to the solid waste fee levied against residential properties. A change of ownership of the property between January 1 and July 1 will not cause the property to lose its eligibility for imposition of the solid waste fee levied against residential properties. A residence which is vacant due to being partially completed as of January 1 shall not be subject to the solid waste fee levied against residential properties, even though it is fully completed as of July 1. A residence which is vacant due to being renovated as of January 1 shall be subject to the solid waste fee levied against residential properties, provided the residence is occupied or available for occupancy as of July 1.

- (f) *Exclusion of the solid waste fee levied against residential properties.* For the first fiscal year in which the solid waste fee levied against residential properties is imposed (July 1, 1996, through June 30, 1997), the solid waste fee levied against residential properties shall not be imposed on any residence which, at all times from July 1, 1996, through December 31, 1996: (i) has its waste collected by a private contractor who disposes of the solid waste at a solid waste facility provided by the private contractor; and (ii) does not use any of the county's solid waste services (including landfills, incinerators, yard waste sites, or recycling facilities, including drop sites). For subsequent fiscal years, the solid waste fee levied against residential properties shall not be imposed on any residence which, at all times from January 1 of the calendar year in which the fiscal year opens through December 31 of the calendar year, meets the same requirements as set forth in (i) and (ii) of this subsection.
- (g) *Assessment procedure.* The tax administrator shall determine which properties to assess the solid waste fee levied against residential properties and shall include the amount of the solid waste fee levied against residential properties on the tax bill of the owner of the property as of January 1. If the solid waste fee levied against residential properties is imposed on a residence which is not assessed for property taxes by the tax administrator in connection with or as a part of a specific parcel of land, then the solid waste fee levied against residential properties shall be billed by a separate bill to the owner of the residence. Residences which are exempt from property taxation but which are subject to the solid waste fee levied against residential properties shall be billed by a separate bill to the owner of the residence.
- (h) *Late assessment of the solid waste fee levied against residential properties.* If the tax administrator fails to assess the solid waste fee levied against residential properties on one or more residences in the city during the normal billing period due to inadvertence or other good reason, the solid waste fee levied against residential properties may be assessed at any time during the applicable fiscal year or the next succeeding fiscal year. For purposes of determining the due date and applicability of interest, the late assessment shall be deemed to be the fiscal year beginning on July 1 of the calendar year in which the solid waste fee levied against residential properties is assessed.
- (i) *Due dates; interest for nonpayment.* The solid waste fee levied against residential properties is due September 1, 1997, and September 1 of each successive year for which the solid waste fee levied against residential properties is imposed. The solid waste fee levied against residential properties is payable at par if paid before January 6 following the opening of the fiscal year. Any portion of the solid waste fee levied against residential properties not paid on or before January 6 is delinquent and interest will accrue as follows: For the period January 6 to February 1, interest accrues at the rate of two percent, and for the period February 1 until the principal amount of the fee and the accrued interest is paid, interest accrues at the rate of three-fourths of one percent per month or fraction thereof.
- (j) *Appeals.* The owner of property upon which a solid waste fee levied against residential properties is assessed by the tax administrator shall have the right to file a notice of exception with the tax administrator at any time prior to the date the solid waste fee levied against residential properties becomes delinquent, unless the notice of the solid waste fee levied against residential properties is

mailed less than 30 days prior to the delinquent date, in which event the owner shall have 30 days after the date of mailing in which to file a notice of exception. Upon receipt of a timely exception, the tax administrator shall arrange a conference with the owner to afford an opportunity to review any evidence or argument the owner may have regarding the solid waste fee levied against residential properties, and the tax administrator shall have the authority to authorize a rebate or refund of the solid waste fee levied against residential properties if the tax administrator concludes the solid waste fee levied against residential properties is not owed. Within 15 days after the conference the tax administrator shall give written notice to the owner of his final decision. In a case in which an agreement is not reached, the owner shall have 15 days from the date the notice is mailed to appeal the tax administrator's decision to the city manager or designee of the city manager. Notwithstanding any pending exceptions by the owner to the tax administrator or appeal to the city manager or designee of the city manager, the owner shall pay the solid waste fee levied against residential properties prior to the date interest accrues, subject to refund, without interest, if the final appeal is decided in the owner's favor. If a solid waste fee levied against residential properties is refunded, the city shall issue the refund.

- (k) *Liens.* The solid waste fee levied against residential properties shall be a lien on real and personal property under the same rules as set forth in G.S. 105-355, and other sections of the Machinery Act.
- (l) *Partial payments.* The tax administrator shall be entitled to collect partial payments of the solid waste fee levied against residential properties. If a bill from the tax administrator includes a combination of property taxes or other assessments with the solid waste fee levied against residential properties, the tax administrator shall apply any partial payments in the order in which such payments are now applied under the hierarchy utilized by the office of the tax administrator, with the solid waste fee levied against residential properties to be applied at the lowest priority of the hierarchy existing as of the date of this section.
- (m) *Imposition on multiple owners.* If there are multiple owners of property on which the solid waste fee levied against residential properties is imposed and such multiple owners are assessed separately for the property taxes, the solid waste fee levied against residential properties shall be levied on a ratable basis in accordance with the percentage of interest owned by the multiple owners.
- (n) *Adjustment of solid waste fee levied against residential properties.* If the city council determines that a solid waste fee levied against residential properties has been assessed against a type of residence in an amount which is in excess of the solid waste fee levied against residential properties, the city council shall have the authority to direct the county tax administrator and/or the city finance director to refund, rebate, or credit an appropriate amount to the affected property owners either in the fiscal year for which the solid waste fee levied against residential properties was levied or in the next fiscal year. If a portion of a solid waste fee levied against residential properties is refunded, rebated, or credited, the adjustment of the solid waste fee levied against residential properties shall be from funds administered by the city's finance director.

(Ord. No. 5950, 6-8-2015)

Editor's note— Ord. No. 5950, adopted June 8, 2015, amended section 10-141 in its entirety to read as herein set out. Formerly, section 10-141 pertained to residential solid waste disposal fee, and derived from the Code of 1985, § 10-50.

Sec. 10-142. - Nonresidential solid waste services fee.

- (a) *Purpose.* This fee is for the provision of solid waste services.
- (b) *Billing.* The solid waste fee levied against commercial properties shall be billed to commercial properties meeting the requirements of subsection (d) below.
- (c) *Administration.* The city manager or a designee of the city manager will bill and collect the solid waste fee levied against commercial properties and may promulgate additional rules and regulations necessary for the implementation of this section not inconsistent with the specific provisions set forth in this section.
- (d) *Commercial property affected.* The solid waste fee levied against commercial properties is imposed upon any commercial property which is provided solid waste services by the city. The fee shall be imposed on each separate commercial property.

(Ord. No. 5950, 6-8-2015)

Secs. 10-143—10-170. - Reserved.

DIVISION 5. - CONTAINERS

Sec. 10-171. - Bulk containers.

- (a) It shall be unlawful to fail at all times to keep bulk containers clean, neat, painted, and in a good state of repair, including all doors and lid springs being in working condition. They shall be located in a place easily accessible to private contractors with container lids closed. No bulk containers shall be stored in front of a business, or residence, in front of the building line closest to the street or on public rights-of-way. Commercial establishments leasing such containers shall be responsible for notifying their service contractor of any damaged conditions. Cleaning up spilled materials shall be the responsibility of the property owner or occupant and shall occur immediately after any such spillage or overflow occurs.
- (b) The solid waste services key business executive or his designee shall have the authority to determine the quantity and location of bulk containers and to determine whether such containers are serviceable. The solid waste services key business executive or his designee shall also have the authority to require the owner or lessee to relocate a bulk container for such reasons as odor or litter problems.
- (c) *Civil penalty.* A civil penalty in the amount of \$25.00 may be issued to any person in violation of this section.

(Code 1985, § 10-60)

Sec. 10-172. - Rollout containers.

- (a) It shall be unlawful for any person in possession, charge, or control of any place in or from which litter is accumulated or produced to fail to provide, and at all times to keep in a suitable place readily accessible to city's collection personnel or authorized collection agent, adequate and suitable rollout containers capable of holding all such waste materials which would ordinarily accumulate between the times of successive collections.
- (b) Rollout containers used in the residential garbage collection program are property of the city.
- (c) A rollout container, when completely full, shall not exceed 200 pounds (excluding the weight of the container). All rollout containers, as required, shall be of approved construction and design and shall be maintained in good serviceable condition at all times. Any rollout container which does not conform to the provisions of this article, or which has ragged or sharp edges or any other defects likely to hamper or injure the person collecting the contents thereof or the public generally, shall be promptly replaced upon notice. If such rollout container, after proper notice, has not been replaced, the solid waste services key business executive or his designee shall have the authority to remove for disposal such rollout container on the next scheduled collection service day.
- (d) Spilled materials or overflow caused by the property owner or occupant shall be cleaned up immediately after such spillage or overflow occurs.
- (e) The solid waste services director or his designee shall have the authority to determine the proper location of rollout containers on private property.
- (f) No rollout containers shall be stored in front of a home or in front of the building line closest to the street.
- (g) The city will not collect from sunken containers.
- (h) Civil penalty. A civil penalty in the amount of \$25.00 may be issued to any person who violates this section.

(Code 1985, § 10-61)

Sec. 10-173. - Unauthorized use of containers prohibited.

- (a) No person shall use or permit the use of any rollout container, recyclables container, wheeled container or recyclables bin provided by the city or the city's authorized collection agent except for such container's intended use.
- (b) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person who violates this section.

(Code 1985, § 10-62)

Sec. 10-174. - Additional rollout container requests.

Requests for additional rollout containers at the same property address shall be reviewed on a case-by-case basis. Approval of additional containers shall be contingent on an investigation by the city to determine whether an actual need exists. The rollout container's purchase price shall be no higher than the city's per unit purchase cost.

(Code 1985, § 10-63)

Secs. 10-175—10-200. - Reserved.

DIVISION 6. - MAINTENANCE OF PREMISES AND LITTER CONTROL

Sec. 10-201. - Unauthorized accumulations.

- (a) It shall be unlawful for any person to scatter, cast, throw, blow, place, sweep, or deposit anywhere within the city any litter in such a manner that it may be carried or deposited upon any street, sidewalk, alley, body of water, sewer, parkway, lot, public property or private property. Any unauthorized accumulation of litter is hereby declared to be a public nuisance and is prohibited.
- (b) Civil penalty. Any person in violation of this section may be issued a civil penalty in the amount of \$50.00.

(Code 1985, § 10-70)

Sec. 10-202. - Neglect of property prohibited.

- (a) It shall be unlawful for any person to trespass on the rights of another through the neglect of property by causing or allowing unsightly litter, weeds and grass, yard waste, foul odor, dead animals, junk, unsecured appliances, or potentially dangerous devices to remain on or emanate from property, or to discard or abandon or cause such on public property, private property, vacant lots or any pond, stream, or body of water or banks thereof within the city limits.
- (b) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-71)

Sec. 10-203. - Dilapidated condition on premises.

- (a) It shall be unlawful for any person to have on their premises material that creates a littered condition, such as dilapidated furniture, appliances, machinery, equipment, building materials, automotive parts, tires, or any other items which are in a wholly or partially rusted, wrecked, junked, dismantled, or

inoperative condition which are not completely enclosed within a building or dwelling. This section shall not apply to authorized junk dealers or establishments licensed to engage in repair, rebuilding, reconditioning, or salvaging of equipment.

- (b) Civil penalty. A civil penalty may be issued in the amount of \$50.00 to any person who violates this section.

(Code 1985, § 10-72)

Sec. 10-204. - Uncovered vehicles.

- (a) It shall be unlawful for a person to operate a vehicle transporting loose materials within the city without a suitable cover. This section shall not apply to the transportation of poultry or livestock or silage or other feed grain used in the feeding of poultry or livestock. It shall be unlawful for any person to operate, park, stand or use upon a public street any vehicle used to transport loose materials for commercial purposes, unless the vehicle is properly identified by lettering on both sides indicating the name of the company or person.

- (b) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-73)

Sec. 10-205. - Equipment requirements for solid waste collectors.

- (a) It shall be unlawful for any solid waste collector to transport solid waste over the streets of the city, unless a watertight vehicle equipped with a tight cover is provided so that it operates to prevent offensive odors escaping therefrom and solid waste from being dropped, blown or spilled.

- (b) Pursuant to chapter 15, article III, it shall be unlawful for any collection vehicle to exceed a noise level of 60 decibels during the stationary compaction process.

- (c) Civil penalty. A citation in the amount of \$75.00 may be issued to any person in violation of this section.

(Code 1985, § 10-74)

Sec. 10-206. - Illegal dumping.

- (a) It shall be unlawful to dispose of or discard any litter on private or public property without the owner's permission.

- (b) Civil penalty. A civil penalty in the amount of \$500.00 may be issued to any person in violation of this section.

(Code 1985, § 10-75)

Sec. 10-207. - Construction and demolition sites.

- (a) It shall be unlawful for any construction and/or demolition contractor to fail to provide on-site containers for loose debris, paper building material waste, scrap building material, and other trash produced by those working on the site. All such material shall be kept in a reasonably clean and litter-free condition. The solid waste services key business executive or his designee shall have the authority to determine the number of containers necessary to provide proper containerization. Dirt, mud, construction materials, or other debris deposited upon any public or private property as a result of the construction or demolition shall be immediately removed by the contractor. Construction sites shall be kept clean and orderly at all times.
- (b) Civil penalty. A civil penalty in the amount of \$100.00 may be issued to any person in violation of this section.

(Code 1985, § 10-76)

Cross reference— Buildings and building regulations, ch. 5.

Sec. 10-208. - Vehicles.

- (a) It shall be unlawful for any person to operate on any street, public or private property a vehicle with mud, dirt, sticky substances, litter or foreign matter on its wheels or other parts if such operation results in the depositing or tracking of such mud, dirt, sticky substances, litter or foreign matter onto any street or public property, or private property. No person being an owner of real property or a prime contractor in charge of a construction site shall operate a vehicle so that the vehicles from the property or construction site shall pick up mud, dirt, sticky substances, litter or foreign matter and deposit or track such mud, dirt, sticky substances, litter or foreign matter onto any street or public property or private property. Where mud, dirt, concrete, sticky and other substances, litter or foreign matter have been tracked or deposited on any street, public property, or private property in violation of this section, it shall be immediately removed by the person responsible. The term "responsible person," as used in this section, shall mean the driver of the vehicle which deposited or tracked the mud, dirt, sticky substances, litter or foreign matter onto the street or his employer or the owner of the real property or prime contractor in charge of a construction site from where such originated. Each and every day during which a violation occurs shall be a separate and distinct offense as provided by the G.S. 160A-175.
- (b) Civil penalty. A civil penalty in the amount of \$100.00 may be issued to any person in violation of this section.

(Code 1985, § 10-77)

Cross reference— Motor vehicles and traffic, ch. 14.

Sec. 10-209. - Loading and unloading areas.

- (a) It shall be unlawful for any person maintaining a loading or unloading area to fail to provide solid waste receptacles for loose debris, paper, packaging materials and other trash. The solid waste services key business executive or his designee shall have the authority to determine the number of containers necessary to provide proper containerization.
- (b) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-78)

Sec. 10-210. - Parking lots.

- (a) It shall be unlawful for all commercial parking lots and establishments with parking areas to fail to provide containers distributed within the parking areas. The solid waste services key business executive or his designee shall have the authority to determine the number of containers necessary to provide proper containerization. Such containers shall be weighted or attached to the ground as necessary to prevent spillage. It shall be the responsibility of the owner, tenant, or manager of the parking lot to collect the solid waste deposited in such containers and store this material in an approved location for collection. It shall be the obligation of all persons using the parking lot areas to use such containers as provided for the purposes intended, and it shall be unlawful for any person to dump, scatter or throw upon such parking lot area litter of any kind.
- (b) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-79)

Sec. 10-211. - Obstruction of rights-of-way.

- (a) It shall be unlawful to allow shrubbery or tree limbs on private property to protrude or hang so as to obstruct the safe passage of pedestrians or motor vehicles. This section shall not apply to the removal of fallen trees, dead trees, shrubbery, bushes, etc., on private property where such do not protrude into the pedestrian/motor vehicle passageway.
- (b) It shall be unlawful to park a vehicle upon a street at any time or for a limited time during restricted collection times as posted by the city department of transportation and referred to in section 14-216.
- (c) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-80)

Sec. 10-212. - Signs within public rights-of-way and on public property.

- (a) *Restricted.* It shall be unlawful for any person to attach, place, paint, write, stamp or paste any sign, handbill, advertisement or other matter within 11 feet of the edge of the pavement of any road, roadway, street, or alley, or within any public rights-of-way as defined in section 10-32, or upon any post, pole, tree, tree stake or guard, shrub, fire hydrant, or upon anything else within 11 feet of the edge of the public rights-of-way or upon any bridge or overpass within the city limits or upon other public property including, but not limited to, traffic medians, except as provided in subsection (b).
- (b) *Exceptions.* This section shall not apply to the following signs:
- (1) Signs regulating traffic.
 - (2) Signs required to be posted by law.
 - (3) Warning signs and no trespassing signs.
 - (4) Signs indicating bus stops, taxi stands and similar transportation facilities.
 - (5) Signs not exceeding four square feet in area giving information concerning the location or use of accessory off-street parking facilities or loading and unloading facilities.
 - (6) Signs established by governmental agencies.
 - (7) Signs permitted by the state board of transportation along state-mandated streets. Proof of permission must be shown upon request.
 - (8) Nothing in this section shall apply to the painting of house numbers on curbs done with the prior approval of the engineering department.
 - (9) Nothing in this section shall apply to the installation of a plaque, plate, statue, or monument on public property with the approval of the city council.
- (c) *Responsible person.* The person responsible for any signs, handbills or advertisements in violation of subsection (a) is defined as follows:
- (1) In the case of a sign, handbill, or advertisement advertising a service, product, dwelling, or event: the person, business, company, or other entity hosting or organizing the event advertised or selling the services, dwellings, products, or events advertised, or the person, business, company or other entity responsible for attaching, placing, painting, writing, stamping or pasting any sign, handbill, or advertisement shall be deemed the responsible person. That is, unless such person, business, company, or other entity notifies the code enforcement division manager of another person, business, company, or other entity who is responsible. In such case the person shall provide the name, address, and signed consent of such other responsible person, business, company, or other entity within seven calendar days after a citation is issued.
 - (2) In the case of a campaign sign for political office, the individual whose candidacy the sign supports shall be deemed the responsible person for posting campaign signs, unless he or she notifies the code enforcement division manager of another person, business, company, or other entity who is responsible, in the manner described in subsection (1). The code enforcement division manager may determine that the responsible person under this section is a committee or group supporting the individual candidate and affiliated with the individual candidate.

- (3) In the case of a campaign sign regarding a ballot measure, the president or chief officer of the committee or group supporting or opposing such ballot measure shall be deemed the person responsible for posting campaign signs, unless he or she first notifies the code enforcement division manager of another person, business, company, or other entity who is responsible, in the manner described in subsection (1).
- (4) In the case of any other sign, handbill or advertisement not described in subsections (1)—(3), the responsible person shall be deemed to be the person, business, company, or other entity who is named on the sign, handbill, or advertisement, or whose phone number, web site address, physical address, or electronic mail ("e-mail") address appears on the sign, handbill, or advertisement, unless such person, business, company, or other entity notifies the code enforcement division manager of another person, business, company, or other entity who is responsible, in the manner described in subsection (1).
- (d) *Removal of signs.* In addition to the enforcement described above, neighborhood development code enforcement division personnel or their designees shall have the authority to summarily remove any notice, sign, or written material found in violation of this section.
- (e) *Penalty.* Violation of this section shall subject the responsible person who placed the signs, handbills, advertisements or other matter or caused them to be placed (in accordance with subsection (c)) to a civil penalty as follows:
- For the first through fifth violations by the responsible person, \$100.00 per sign, handbill, advertisement or other matter in violation;
- For the sixth through tenth violations by the responsible person, \$500.00 per sign, handbill, advertisement or other matter in violation; and
- For eleventh and all future violations by the responsible person, \$1,000.00 per sign, handbill, advertisement or other matter in violation.

The issuance of citations shall be in accordance with section 10-65. If a violator has removed the sign, handbill, advertisement or other matter within seven days of receipt of a citation, then the neighborhood development code enforcement division shall have the authority to declare the citation null and void. In addition, any person shall be subject to all applicable punishment, penalties, and equitable relief provided for in G.S. 160A-175. However, a violation of any provision of this section shall not constitute an infraction or misdemeanor punishable under G.S. 14-4. Each and every violation shall constitute a separate and distinct offense. It is not a violation of this section for any person to remove an illegally placed sign, handbill, advertisement or other matter which is in violation of this section.

(Code 1985, § 10-81; Ord. No. 2562, § 2, 3-22-2004; Ord. No. 3733, § 1, 11-12-2007)

Sec. 10-213. - Graffiti.

- (a) *Graffiti prohibited.* It shall be unlawful for any person to write, paint, inscribe, scratch, scrawl, spray, place or draw graffiti of any type on any public or private building, structure or any other real or personal property. Any person convicted of a violation of this paragraph shall be fined not less than \$250.00 for a first offense and \$500.00 for second and subsequent offenses.
- (b) *Exemption.* Subsection (a) of this section shall not be construed to prohibit temporary, easily removable chalk or other water-soluble markings on public or private sidewalks, streets or other paved surfaces which are used in connection with traditional children's activities, such as drawings or bases for stickball, kickball, handball, hopscotch or similar activities, nor shall it be construed to prohibit temporary, easily removable chalk or other water soluble markings used in connection with any lawful business or public purpose or activity.
- (c) *Removal of graffiti.* It shall be unlawful for any person owning property, acting as manager or agent for the owner of property, or in possession or control of property to fail to remove or effectively obscure any graffiti upon such property. Any such person convicted of a violation of this paragraph shall be fined not more than \$100.00. In determining the fine to be imposed, the court may consider the efforts, if any, taken by the violator to remove or effectively obscure the graffiti during the preceding calendar year. The mandatory fine provided in this section shall not apply to a property owner, agent, manager, or possessor of property if such property owner, agent, manager or possessor has been victimized two or more times by graffiti within any calendar year and, during such time, has removed or effectively obscured such graffiti from the property in a timely manner.
- (d) *Restitution.* In addition to any other punishment imposed, the court shall order the person convicted of a violation of this section to make restitution to the victim for the damage or loss suffered by the victim as a result of the offense. The court may determine the amount, terms, and conditions of the restitution.

(Code 1985, § 10-82)

Sec. 10-214. - Removal of graffiti by city.

- (a) *Notice.* Whenever the city becomes aware of the existence of graffiti on any property, the city is authorized to remove the graffiti as set forth in this section after giving, or causing to be given, written notice to remove or effectively obscure such graffiti to the property owner, such property owner's agent or manager, or any other person in possession or control of the property. If the city intends to place a lien on the property, as provided in subsection (b) of this section, it must also notify all other persons whose names appear on the tax rolls of the county as having an interest in the property. Notice shall be given by personal service or certified mail, except that notice may be given by first class mail to those persons, other than the property owner, whose names appear on the tax rolls of the county as having an interest in the property. All notices shall state the procedure for appeals under this section.
- (b)

Costs and liens. If the person owning the property, acting as manager or agent for the owner of the property, or in possession or control of the property fails to remove or effectively obscure the graffiti within seven days from receipt of the notice described in subsection (a) of this section, the city may cause the graffiti to be removed or effectively obscured and charge the property owner, or the property owner's manager or agent, or the person in possession or control of the property, for the expenses incurred by the city in removing the graffiti. The city may sue in a court of competent jurisdiction to recover all such expenses, which shall include, but not be limited to, all administrative personnel costs, attorney's fees and costs related to enforcing this section; and/or the city may record a lien in the public records of the county, which lien shall be for all such expenses, and the amount of the lien shall bear interest from the date of recording.

- (c) *Appeal procedure.* Appeals may be taken to the city council or its designee by the person owning the property, acting as manager or agent for the property, or in possession or control of the property to prevent the removal of any graffiti, within seven days of having received notice from the city that the graffiti must be removed. Appeals shall be in writing and shall state the reasons for the appeal. If the party filing the appeal requests a hearing, such hearing shall be held at the next scheduled business meeting of the city council. If, on appeal, the city council or its designee determines that the graffiti must be removed, the council or its designee may set a new deadline date for compliance or authorize the city to proceed to remove or obscure the graffiti. The city shall not remove or obscure any graffiti during the pendency of an appeal.
- (d) *Emergency removal.* If the city determines that any graffiti is a danger to the health, safety, or welfare of the public and is unable to provide notice by personal service after at least two attempts to do so, then 48 hours after either (i) the mailing of the notice described in subsection (a) of this section by certified and first class mail to the person owning the property, acting as agent or manager for the owner of such property, or in possession or control of such property, or (ii) the posting of the notice in a conspicuous place on the property, the city may remove or cause the graffiti to be removed at its expense.
- (e) *Repair/restoration.* In no case shall the city paint or repair any area obscured by graffiti more extensively than where the graffiti itself is located. The city shall not be required to restore the obscured area to its original condition (i.e., color, texture, etc.).

(Code 1985, § 10-83)

Secs. 10-215—10-240. - Reserved.

DIVISION 7. - WEEDS, GRASS, LEAVES AND UNDERGROWTH

Sec. 10-241. - Duty of owners and occupants to cut and remove.

- (a) It shall be unlawful for the owner and/or occupant of a property to fail to cut grass, weeds, and other overgrowth vegetation on property when the grass, weeds, and other overgrowth vegetation is of a greater height than one foot on the average. It shall be the duty of the owner and occupant to cut and remove all grass, weeds, and other overgrowth vegetation as often as necessary so as to comply with this provision of this Code.
 - (1) Vacant lots adjacent to improved property, except as defined as heavily wooded, shall be cut in their entirety at least three times per year, as required during the mowing season (April through September).
 - (2) Vacant lots over one acre and adjacent to improved properties shall be cut within 100 feet of such improved property and shall be cut at least three times per year, as required during the growing season (April through September).
 - (3) Vacant lots over one acre and not adjacent to improved properties shall have a 100-foot buffer area cut adjacent to the nearest properties and shall be cut at least three times per year, as required during the growing season (April through September).
- (b) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-90)

Sec. 10-242. - Accumulation of leaves, grass clippings, etc., on public ways.

- (a) It shall be unlawful for any person to blow, place or allow to be placed or to permit to continue the accumulation of leaves, grass clippings, or any other debris from his premises on a public street, sidewalk, grass strip between a paved sidewalk and street, or on an area that pedestrians would be expected to use to walk upon parallel to a public street, or a median strip within a public right-of-way. This section shall not apply to the accumulation of leaves along a curblineline of a public right-of-way for the purpose of collection by a private leaf-collecting contractor.
- (b) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-91)

Sec. 10-243. - Heavily wooded lots.

- (a) It shall be unlawful for the owner of property on which is located a heavily wooded lot to fail to remove overgrowth and cut trees, weeds and grass to improve visibility, when such lot is used for the purpose of assignation, prostitution, gambling, illegal possession or sale of alcoholic beverages, illegal possession or sale of narcotic drugs as defined in the North Carolina Controlled Substances Act, or

whereon such lot are carried on or conducted repeated acts which create and constitute a breach of the peace. It shall be the duty of the owner to cut and remove all trees, grass, weeds, and other overgrowth vegetation as often as necessary so as to comply with this provision of this Code.

- (b) This section shall apply only to heavily wooded lots that are located in residentially zoned districts of the city, including the single-family, multifamily, urban residential, and UMUD zoning districts. The purpose of this section is to address conditions that are detrimental to the health, safety, and welfare of citizens in their living environments, which are critical to the peace, dignity, and well-being of the city.
- (c) Civil penalty. A civil penalty in the amount of \$100.00 may be issued to any person in violation of this section.

(Code 1985, § 10-92)

Secs. 10-244—10-270. - Reserved.

CHARLOTTE WATER

**Council Environment Committee:
Meter Strategy Update**

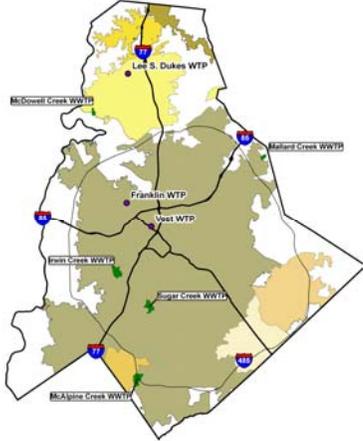
12 September 2016



CHARLOTTE WATER

Frame of Reference – Water Distribution System

- ❖ Raw Water Intakes at Lake Norman & Mountain Island Lake
- ❖ 3 Water Treatment Plants
- ❖ On average day, we treat & deliver over 100 MGD drinking water with exceptional quality
 - ❖ EPA Award For Safe Water Excellence
- ❖ Serve more than 275,000 accounts (residential, commercial, and industrial)
- ❖ Maintain over 4200 miles of distribution pipes



2

CHARLOTTE
WATER

Importance of the Metering System

- Critical nexus between our public distribution system and the customer's private service
- Meter Reading Data:
 - Supports capital investment strategies
 - Provides demand management data
 - Enables regional planning
 - Budget Revenue Forecast
- Key component of billing
 - Accurate and Consistent



3

CHARLOTTE
WATER

Metering Programs

- ❖ Three core components running in parallel:
 1. Current meter management program
 - a) Routine maintenance
 - b) Testing and Auditing
 - c) Billing Cycle Alignment project completed FY16
 2. **Register / Transmitter Replacement Project**
 - a) **Approximately 67,000 total units (~25%)**
 3. **Future Meter Strategy Program**
 - a) **Multiple Projects phased over 5 – 7 years**



Register / Transmitter Replacement Project

- Council approved in May 2016
- Internal resource transition
- Project plan complete
- Receiving new registers and transmitters over the next two months – quarantine, test, release, and audit
- Replacements are scheduled to start in November 2016



5



Future Meter Strategy Program

- Three short-listed teams – infrastructure and professional services
- Best and Final Offers due to Program Team in mid-October
- Multi-disciplinary selection team will review final proposals
- Analyze cost versus technical gain as well as business risk exposure



6

CHARLOTTE WATER

How could our Metering Strategy influence Operations?

Data System								Use
CIS	MDM	LIMS	SCADA	Hydraulic Model	GIS	AMS	Customer Engagement	
*	*							Revenue Assurance
	*							Real-time Demand Projection
	*							Pressure Control
*	*							Proactive Water Quality
	*							Asset Capacity
*	*							Customer Alerts
*	*							Leak Reduction
*	*							Asset Condition Monitoring
*	*							Billing
*	*							AMA
*	*							Asset Management
*	*							Leak Reduction
*	*							Water Health Monitoring
*	*							Distribution System Efficiency
*	*							Outage Response
*	*							Maintenance Efficiency
*	*							Fate of Contaminant Modelling
*	*							Ordinance Enforcement

Near Real Time Data

Leak Detection

Improved Pressure Management

Improved Capacity Management

Pipe Failure Prediction

Image from Graham Symmonds, Author of Smart Grid for Water

CHARLOTTE WATER

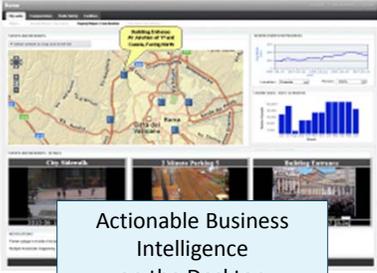
Charlotte's Distribution Future

- **Unified System of Infrastructure, Software, and Decision Support Services**
 - Customers with detailed usage data
 - Customers with Early Leak Notifications
 - More Efficient, Secure Remote Operations
 - Sampling Station Quality Data
 - Leak Detection Sensors
 - Pressure Management Sensors
 - Modeling and Simulation of Events
 - Asset Condition Prediction and Notifications

Citizens and Staff as sensors - "Crowd Sourcing" Real Time Data



Actionable Business Intelligence on the Desktop



System Simulations





Next Steps

- Complete Register / Transmitter Replacement Project by end of FY17
- Execute selection and procurement plan for Future Meter Strategy Program
 - Continue to engage stakeholders including City Council
 - Balance program risks against business benefits
 - Present final recommendation
 - Procure and strategically deploy the best solution for the future of the Utility
- Continue to provide exceptional service to our customers ⁹



Questions?

Contact information:
Charlotte Water
Shawn Coffman
704-560-1091

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