

CITY OF SALUDA NORTH CAROLINA

AMENDED AND RESTATED ORDINANCE REGULATING SOLID WASTE AND RECYCLING COLLECTION AND DISPOSAL IN THE CITY OF SALUDA.

(THE CITY OF SALUDA SOLID WASTE ORDINANCE)

WHEREAS, the Board of Commissioners finds that it is in the best interest of the citizens of the City that such regulations should be put in place to address health, safety and welfare issues of solid waste and recycling; and

WHEREAS, on November 14th, 2016, the City of Saluda adopted a Solid Waste ordinance and from time to time subsequently amended, now wishes to make certain amendments to that ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Saluda, North Carolina, that The City of Saluda Solid Waste Ordinance is amended and restated as follows:

ARTICLE 1 - SHORT TITLE

This ordinance shall be known and may be cited as The City of Saluda Solid Waste Ordinance.

ARTICLE 2 - DEFINITIONS

For the purpose of this ordinance, the following words, terms and phrases, shall have the following meanings, except where the context clearly indicates a different meaning:

1. *Cans*; Containers provided by the city or the city's contractor for the purpose of containing and collecting solid waste, garbage and refuse in between scheduled pickups.
2. *Convenience Dumpsters*; Dumpsters provided by the city or the city's contractor at various convenience sites in the downtown area for the purpose of containing and collecting solid waste, garbage, refuse and recyclables.

ARTICLE 3 – SOLID WASTE DISPOSAL

The following regulations are set forth:

1. The occupant of each building, premises or place where garbage does or may exist within the Saluda city limits will be provided solid waste disposal services. This service will be contracted by and between the occupant of such building premises or place and the City of Saluda.

2. A schedule of solid waste collection fees shall be set forth in the City of Saluda Schedule of Fees which the City may revise the fees at any time.
3. The solid waste collection fees shall be charged to the monthly utility bills. Any utility bill payment will be applied first to the solid waste portion of the bill.
4. Except as provided by N.C. Gen. Stat. §160A-317(d)(4), charges will be assessed whether services are used or not.
5. The City shall post a solid waste collection schedule at City Hall.
6. With the exception of businesses and residents located in the downtown area utilizing convenience dumpsters, all garbage and other refuse referred to above must be put in cans as specified above and placed on the street prior to 6 a.m. on pickup days.
7. No garbage or other refuse will be picked up if same is not set near margin of street or roadway where it is convenient for collectors to reach same.
8. All cans placed on the street for collection within the downtown shall be removed from the collection point by 10 AM on the day of collection unless the city posts an alternate schedule from the regular schedule.
9. All cans located in downtown shall be stored in a location not visible from the public sidewalk or public right of ways except during collection times.
10. The City or it's contractor shall place dumpsters at various dumpster convenience sites within the downtown area for use of residents and businesses located in the downtown area from Church Street to Pace Park. All garbage and other refuse shall be properly deposited within the dumpsters for collection.
11. The occupant of each building, premises or place may at any time contact the City and request to receive more than one pickup per week. Any additional pickups will be charged according to the schedule of fees.

ARTICLE 4 - RECYCLING

The following regulations are set forth:

1. The occupant of each building, premises or place where garbage does or may exist within the Saluda city limits will be provided recycling services. This service will be contracted by and between the occupant and the City of Saluda.
2. The City shall post a recycling schedule at City Hall. All recycling must be put in cans or bins as specified above and placed on the street prior to 6 a.m. on pickup days. No recycling will be picked up if same is not set near margin of street or roadway where it is convenient for collectors to reach same.
3. All cans placed on the street for collection within the downtown shall be removed from the collection point by 10 AM on the day of collection unless the city posts an alternate schedule from the regular schedule.
4. All cans located in downtown shall be stored in a location not visible from the public sidewalk or public right of ways.
5. The City or it's contractor shall place dumpsters designated for recycling

at various dumpster convenience sites within the downtown area for use of residents and businesses located in the downtown area from Church Street to Pace Park. Recyclable refuse shall be properly deposited within dumpsters designated for recycling for collection.

ARTICLE 5 – ENFORCEMENT

Violations of the provisions of this Ordinance shall be deemed a non-criminal violation for which a civil penalty shall apply. Provisions for fees, enforcement and collections are set forth herein as follows:

1. Any occupant determined to be in violation of any of the provisions of this ordinance shall receive a civil citation as set forth in the City of Saluda Resolution Setting Schedule of Fees under Solid Waste Civil Penalty. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation by a designated code enforcement officer. Notification shall be effective if a designated code enforcement officer advised the suspected offender of the violation either in person, by certified mail to the violator's last known address, or by any other means provided for in the North Carolina Rules of Civil Procedure.
2. Any occupant in violation of Article 3, Item 6 or Article 4, Item 3 herein shall have the cans collected by City Staff and be required to pay the "Can Return" fee as set forth in the City of Saluda Resolution Setting Schedule of Fees under Solid Waste Can Return.
3. When a code enforcement officer determines that a previous violation for which a citation has been issued has not been corrected and penalties paid within thirty (30) days of service of citation, an additional citation shall be issued as set forth in the City of Saluda Resolution Setting Schedule of Fees under Solid Waste Civil Penalty.
4. If any civil penalty is not paid as described above, then any time after issuance of the penalty in this article, the City of Saluda shall use any and all remedies available for collections allowed by the State of North Carolina. Such action shall not stop further civil penalties from accruing.
5. Civil penalties are an additional remedy for code enforcement. In addition thereto, all remedies allowed in the North Carolina General Statutes and this Ordinance of the City of Saluda may be pursued by the City at the same time, without waiving the civil penalties authorized in this article.
6. Appeals - A person notified of a violation may appeal such determination to the Board of Commissioners. Such appeal must be filed in writing with the city not later than thirty (30) days after the receipt of the first notice issued in this Article. Failure to timely file an appeal shall constitute acceptance of the determination that a violation exists, and waiver of the right to appeal. If an appeal is timely filed, further action by the code enforcement officer shall be suspended until a ruling is issued by the Board of Commissioners. If the Board of Commissioners finds that a violation exists, enforcement under this chapter shall continue despite any further appeals by the violator.

(Ord. O-22-__, passed 12/12/2022)

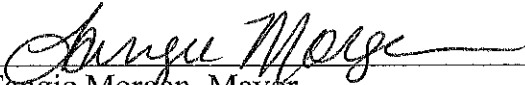
Adopted this the 12th day of December, 2022

ATTEST




Pamela S. Waters, City Clerk





Tangie Morgan, Mayor

APPROVED AS TO FORM



Jana Berg, City Attorney