

ORDINANCE NO. (2025) 734

AN ORDINANCE TO AMEND THE SOLID WASTE SERVICES REGULATIONS OF THE CITY OF RALEIGH

WHEREAS, the Raleigh City Council desires to amend the Solid Waste Services regulations of the City of Raleigh.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Part 7, Chapter 2, Article B, Sec. 7-2002.2 of the Raleigh Code of Ordinances shall be amended to add the underlined language where noted below, and to delete the language shown as stricken through:

Sec. 7-2002.2. INITIAL WARNINGS AND ADMINISTRATIVE FEES.

- (a) Except as otherwise stated, any person, who is the owner, occupant, tenant, or otherwise has any control of any premises, building, or land in the City, including vacant property, who violates any provision contained in Part 7 of the Raleigh City Code and other collection practices in accordance with 7-2002.1, shall be subject to an initial warning for the first violation.
- (b) Except as otherwise stated, any person, who is the owner, occupant, tenant, or otherwise has any control of any premises, building, or land in the City, including vacant property, who violates any provision contained in Part 7 of the Raleigh City Code and other collection practices in accordance with 7-2002.1, after receiving an initial warning, or causes a nuisance, shall be subject to an administrative fee of two hundred fifty dollars (\$250.00) per violation.
- (c) Except as otherwise stated, any person, who is the owner, occupant, tenant, or otherwise has any control of any premises, building, or land in the City, including vacant property, who violates any provision contained in Part 7 of the Raleigh City Code, after receiving an initial warning, and an assessment of an administrative fee, shall be subject to an administrative fee of five hundred dollars (\$500.00) per violation.
- (d) Any person, who is the owner, occupant, tenant, or otherwise has any control of any premises, building, or land in the City, including vacant property, who places items banned from landfills, as set forth in N.C. Gen. Stat. Section 130A-309.10(f), who contaminates refuse, recycling, bulky, special, yard waste loads, or who causes a nuisance, shall be subject to an administrative fee of five hundred dollars (\$500.00) per violation.
- (e) Each twenty-four-hour period during which a violation occurs, shall constitute a separate violation.
- (f) If a person fails to pay the administrative fee within thirty (30) days after being notified of the amount due, the City may recover the administrative fee, together with all costs, using all means available, including without limitation, use of a collection agency, Debt Set Off, or by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt.
- (g) Notifications may be served by first class U.S Mail, Certified Mail, Priority Mail, private shipping service, posting at the location, or electronically. The notification shall be deemed served if such notification is not returned with seven (7) calendar days by the U.S Postal Service or private shipping service. If sent electronically, notification shall be deemed served

if a not delivered, undeliverable, or other message that makes clear the information was not delivered within 24 hours of being sent electronically.

Section 2. Part 7, Chapter 2, Article B, Sec. 7-2002.3 of the Raleigh Code of Ordinances shall be amended to add the underlined language where noted below, and to delete the language shown as stricken through:

Sec. 7-2002.3. - APPEAL OF ADMINISTRATIVE FEES.

- (a) Any person assessed an administrative fee, may appeal by filing a written notice of appeal with the Solid Waste Services Violation Review Committee consisting of the Code Compliance Supervisor, Administrative Manager, the Solid Waste Services Assistant Director over Administration, and/or their designees, within ten (10) calendar days after service of the written demand for payment of the assessment. The written appeal shall provide the reasons the petitioner contends that the administrative fee was wrongly applied, and the petitioner shall provide any supporting documentation. Failure to file a notice of appeal with the necessary information within the ten calendar-day period shall constitute a waiver of the right to contest the administrative fee. The Solid Waste Services Violation Review Committee shall make a decision with a 10 calendar-day period after receiving the written appeal and all supporting documentation. The Solid Waste Services Violation Review Committee may request additional information.

Using the information provided, the Solid Waste Services Violation Review Committee shall conduct a review of the appeal. The Solid Waste Services Violation Review Committee may uphold, amend, modify, or reverse the assessment.

- (b) Within 10 calendar days after receiving the decision of the Solid Waste Services Violation Review Committee, the petitioner may appeal to the Director of Solid Waste Services, or the Director's designee. The appeal shall be in writing and shall provide the reasons the petitioner contends the administrative fee was wrongly applied, and the reasons the petitioner contends the decision of the Solid Waste Services Violation Review Committee was wrong.

Using the information provided, the Director of the Solid Waste Services Department or the Director's designee shall conduct a review of the appeal within 10 calendar days after receiving the appeal from the petitioner. The Director of Solid Waste Services or the Director's designee may uphold, amend, or reverse the assessment.

- (c) The decision of the Director of the Solid Waste Services Department, or the Director's designee, on an administrative fee, is subject to further review in the Superior Court of Wake County by proceedings in the nature of certiorari. Any petition for writ of certiorari shall be filed with the Clerk of Superior Court within thirty (30) days after the date that the decision of the Director of the Solid Waste Services Department, or the Director's designee, is issued. Failure to file a petition for writ of certiorari within the thirty-day period shall constitute a waiver of the right to appeal the decision of the of the Director of the Solid Waste Services Department, or the Director's designee.

- (d) All notices, initial warnings, and administrative fees shall be served by first class U.S. Mail, Certified Mail, Priority Mail, private shipping service, or electronically.
 - (1) Service by first class U.S Mail or Priority Mail service shall be deemed sufficient if the notice sent by first class U.S. Mail or Priority Mail is not returned by the U.S Post Office within seven (7) calendar days after mailing.
 - (2) If delivery of mail is being tracked, service shall be deemed sufficient when delivery is confirmed.
 - (3) Electronic service shall be deemed sufficient if notices sent electronically do not receive an undeliverable or not sent message in response within 24 hours of being sent.
 - (4) Service by Certified Mail shall be deemed sufficient once receipt of delivery is received or is not returned by the U. S. Post Office.

Section 3. Part 7, Chapter 2, Article B, Sec. 7-2004 of the Raleigh Code of Ordinances shall be amended to add the underlined language where noted below, and to delete the language shown as stricken through:

Sec. 7-2004. COLLECTION PRACTICES.

- (a) Availability and extent of service.

Solid waste collection devices, design for access, storage, general container standards, and other design requirements shall be established in accordance with the Functions and Duties of the Department. Collection, storage, disposal, point of collection, path of collection, and/or preparation of garbage, recycling, yard waste, and other collected items shall be in accordance with provisions in this part of the Raleigh City Code, and/or published education, outreach, or other forms of communication authorized by the Solid Waste Services Director or the Director's designee. Adequate storage, collection, type of service, level of service, and frequency of services shall be planned during pre-construction, and maintained post-construction. This shall include adequate space when the point of collection is the curb by the street.

Development Plans shall show and shall include dumpster enclosure specifications. Dumpster pad specifications shall include concrete strength of the pad and the area thirty feet (30') in front of the dumpster pad, the travel path the collection vehicles will take to collect the garbage and recycling from street to dumpster location then exit to include turn radius for all turns.

A Will Serve or Ability to Serve Letter from the private hauler that will be collecting the garbage and recycling is required. The Will Serve Letter shall include the letterhead of the private hauler, shall indicate that the plans have been reviewed (to include dumpster/Pad/Enclosure specs), and that the private hauler is able to service the garbage and recycling safely. The Will Serve Letter should be transposed on the cover of the sheet. The Will Serve Letter shall be indicated in the site plan index, and shall include the page where all required information is located in the plan.

Except as otherwise provided in this chapter, or in other ordinances, and except in cases of inadequate funds, labor equipment or materials, and of emergencies or circumstances over which the Solid Waste Services Director has no control, and subject to the limitations of this section regarding types of service, and quantities of refuse handled, service quantities, type, and frequency of service shall be as follows:

- (1) Any development consisting of detached single-family dwellings may be allowed curbside collection. Dwellings shall have adequate storage space for containers, topography shall allow for safe movement of containers from storage location to the point of collection, and the design shall allow for automated curbside collection. Adequate space must be provided at the point of collection and free from all obstructions allowing for containers to be at least five (5) feet (ft) apart from objects.

Attached dwellings up to six (6) units with a ground level individual entrance and a separate driveway for each unit may be allowed automated collection services by the Solid Waste Services Department. Dwellings shall have adequate storage space for containers in a place not seen from the public right-of-way, topography shall allow safe movement of containers from storage location to the point of collection, such as a paved walkway, and the design shall allow for automated curbside collection in front of each dwelling. Adequate space shall be provided at the point of collection and free from all obstructions allowing for containers to be at least 5 ft apart from objects.

Attached dwellings utilizing roll out carts with more than four (4) units in each building are not allowed to have a central storage location for roll out carts.

Attached dwelling developments seeking collection services by the Solid Waste Services Department that propose storage of containers in garages must demonstrate the size of the garage allows for storage of containers along with a normal size vehicle. Owners, Homeowners Associations (HOAs), Property Management Companies, or other persons that have any control of any premises or building, shall be responsible for ensuring adequate storage of containers. Adequate storage, collection devices, type of service, level of service, and frequency of services shall be planned during pre-construction, and maintained post construction.

- (2) All developments consisting of attached dwellings without a separate driveway for each dwelling, or units arranged one (1) above the other in multiple stories must provide a common collection facility such as a dumpster, compactor, or other collection devices. Adequate space, collection devices, and collection frequency shall be planned during pre-construction, and maintained post construction that
 - Ensures the protection of the environment, public health, public safety, general welfare, quality of life, and sustainability throughout the City.
 - Protects public right of ways, bike lanes, pedestrian travel paths, prevents public nuisances or collection violations, and has a positive impact on the community.

Alternate or modified collection plans may be approved after investigation that will remedy a nuisance, prevent a circumstance that *may* create a nuisance, protect the environment, have a positive impact on quality of life or remedy repeated violations of the Raleigh City Code.

In addition, the modifications or alternate collection plans must be based on sound collection, safety, compliance, enforcement, sustainability, and risk management principles.

- (3) Non-residential properties must be served by common collection facilities for solid waste, recycling, and yard waste, in accordance with sound collection practices that ensure and protect public health, public safety, and quality of life. The following are exceptions to this requirement:

- a. Small businesses or offices located in an area that is primarily residential, may be allowed curbside refuse, recycling, and yard waste collection services by the City, provided that refuse generation for the building does not exceed two (2) City-issued roll-out containers. Non-residential properties shall pay the approved fee to obtain City-issued containers.

Eligibility for this service will be determined on a case-by-case basis by the Solid Waste Services Director or the Director's designee. Businesses not meeting the above criteria will be required to use a private hauler.

Collection and disposal plans ~~must~~ be in accordance to the standards noted in ~~this part of the City Code and the Solid Waste Collection Design Manual.~~

- b. Central Business District.

1. Central Business District residential, commercial, office, entertainment, institutional, medical, educational, charitable and other non-industrial uses located in an area bounded by Cabarrus Street, Blount Street, Edenton Street and McDowell Street may request curbside pickup of refuse by the City. Request may be made for one (1) per week, six (6) per week, or seven (7) per week collection services.

- (i) Approval by the Solid Waste Services Director, or the Director's designee, is required for service requests. Collection plans shall protect public health, public safety, and quality of life. Collection plans shall not cause a hazard or nuisance, and shall be based upon sustainable and sound collection practices.
 - (ii) Refuse and recycling must be placed in City of Raleigh approved carts or other approved collection devices.

- (iii) Solid Waste Services must have direct access to items to be collected. There must be no obstructions or other conditions that make collection hazardous or could cause a nuisance. Carts must be located in a place that can be collected safely and effectively.
- (iv) Improperly-prepared items will not be collected.
- (v) Alternate collection devices may be approved on a case-by-case basis by the Solid Waste Services Director or the Director's designee.
- (vi) Alternate collection devices, method of collection, collection times, points of collection, and/or types of collection, may be approved to prevent nuisances, protect public health, public safety, general welfare, and/or protect the quality of life.
- (vii) Refuse and recycling, set out for collection by the City, must be placed on the sidewalk by the curb at the street between the hours of 4:00 a.m. and 2:00 p.m. Monday through Friday, and between the hours of 4:00 a.m. and 12:00 p.m. Saturday and Sunday. All items to be collected by the City must be removed from the curb or point of collection after collection. Collection times and schedules may vary from time to time due to labor, equipment, emergencies, or circumstances over which the Solid Waste Services Department has no control.
- (viii) Charges and fees for the carts, collection, and disposal of refuse, shall be fixed from time to time on schedules approved by the City Council, and maintained on file in the Budget and Management Services Department.
- (ix) Every person, who is the owner, occupant, tenant, or otherwise has any ~~possessory~~ control of any premises, building, or land in the City, including vacant property, operating in any business district or municipal service district, shall keep the same in a clean and orderly condition, free of all nuisances, obstructions, litter, and/or any condition that is harmful to public health, public safety, general welfare, quality of life, or general integrity of the City.
- (x) All storage and collection devices must only be placed out for collection on the day of collection. Collection devices must not block the public rights-of-way, pedestrian travel paths, streets, or bike lanes, and must be removed from public rights-of-way or points of collection after collection.

2. Glenwood South, residential, commercial, office, entertainment, institutional, medical, educational, charitable and other non-industrial uses located in an area bounded by Peace Street, West Street, Hillsborough Street, and St. Mary's Street may request pickup of refuse by the City. Requests may be made for one (1) per week, six (6) per week, or seven (7) per week collection services.
 - (i) Approval by the Solid Waste Services Director or the Director's designee is required for service requests.
 - (ii) Refuse and recycling must be placed in City of Raleigh approved carts or other approved collection devices.
 - (iii) Solid Waste Services must have direct access to items to be collected. There must be no obstructions or other conditions that make collection hazardous or could cause a nuisance. Carts must be located in a place that can be collected safely and effectively.
 - (iv) Improperly-prepared items will not be collected.
 - (v) Alternate collection devices may be approved on a case-by-case basis by the Solid Waste Services Director or the Director's designee.
 - (vi) Alternate collection devices, method of collection, collection times, points of collection, and/or types of collection, may be approved to prevent nuisances, protect public health, public safety, general welfare, and/or protect the quality of life.
 - (vii) Refuse and recycling, set out for collection by the City, must be placed on the sidewalk by the curb at the street between the hours of 4:00 a.m. and 2:00 p.m. Monday through Friday, and between the hours of 4:00 a.m. and 12:00 p.m. Saturday and Sunday. All items to be collected by the City must be removed from the curb or point of collection after collection. Collection times and schedules may vary from time to time due to labor, equipment, emergencies, or circumstances over which the Solid Waste Services Department has no control.
 - (viii) Charges and fees for the carts, bags, collection, and disposal of refuse, shall be fixed from time to time on schedules approved by the City Council, and maintained on file in the Budget and Management Services Department.

- (ix) Every person, who is the owner, occupant, tenant, or otherwise has any control of any premises, building, or land in the City, including vacant property, operating in any business district or municipal service district, shall keep the same in a clean and orderly condition, free of all nuisances, obstructions, litter, and/or any condition that is harmful to public health, public safety, general welfare, quality of life, or general integrity of the City.
 - (x) All storage and collection devices must only be placed out for collection on the day of collection. Collection devices must not block the public rights-of-way, pedestrian travel paths, streets, or bike lanes, and must be removed from public rights-of-way or points of collection after collection.
3. Except as otherwise stated, Central Business District residential, commercial, office, entertainment, institutional, medical, educational, charitable and other non-industrial uses must comply with the following:
- (i) Refuse, recycling, yard waste, and other waste for collection must be stored in collection devices that prevent nuisances or create conditions that are harmful to public health, public safety, and general welfare.
 - (ii) Hazardous, combustible, and noncombustible refuse shall be stored in containers that protect the public and natural environment.
 - (iii) Each property shall have a sufficient storage space for the collection devices needed to handle refuse, recycling, yard waste, and other waste. Every person, who is the owner, occupant, tenant, or otherwise has any control of any premises, building or land in the Central Business District or Municipal Service District, including vacant property, are responsible for the purchase and maintenance of collection devices.
 - (iv) Every person, who is the owner, occupant, tenant, or otherwise has any control of any premises, building or land in the Central Business District of the City, including vacant property, and any area abutting any right-of-way or street in the City in violation of the Raleigh City Code, or Collection practices shall be subject to enforcement in accordance with Raleigh City Code Sections 7-2002.2 and 7-2002.3.

- (4) If the development is a Planned Development in accordance with Raleigh City Code Chapter 10 – Unified Development Ordinance, an alternate or modified solid waste management, storage, collection and disposal plan, to include, but not limited to, container standards, container requirements, points of collection, and/or type of collection devices, may be approved by the City's Solid Waste Services Department, or the Director's designee, in lieu of the requirements noted herein, if the design of public streets, or other development designs, create limitations to standard collections, or provide a remedy to conditions that are dangerous, or harmful to quality of life, public health, public safety, or general welfare.
- (b) Control of private collections by contract and permit.
 - (1) Notwithstanding the provisions of this chapter or other ordinances of this City, the City Manager is authorized to enter into a written contract, either privately or after public advertisement for bids, for the collection and removal of waste paper, paper boxes or cartons or other paper products deposited upon the streets of the City (or other place designated by the person desiring to have such products removed as waste) upon such terms and conditions as he may deem best for the benefit of the City; provided such contract shall define the area over which the collection of waste paper products shall be confined; provided further no such contract may be executed unless and until the person contracting to collect and remove such products shall have made a deposit with the City in the amount of five hundred dollars (\$500.00) cash, conditioned upon the faithful performance of the contract and upon compliance with the requirements of this chapter and applicable ordinances of the City. No such contract may be made for a period exceeding one (1) year and shall be cancelable by either party upon thirty (30) days written notice.
 - (2) No person shall engage in the business of collecting, hauling or transporting in the City any waste without first obtaining a permit from the City Manager to engage in such business. The City Manager shall not issue any permit for collections in the areas covered by contracts as provided for above. The holder of such permit shall conform to the applicable ordinances, regulations of the City Manager and the lawfully prescribed requirements of other departments of the City; and upon failure to so conform such permits shall be subject to revocation by the City Manager.
- (c) Special Collection Programs.
 - (1) Bulky Load Program. Solid Waste Services provides free collection of enumerated items that do not fit into refuse containers. Bulky Load Collection is offered for the disposal of furniture, small appliances, mattresses, box springs, and similar household items. Yard waste, large appliances, odor-causing waste, or excess bags of garbage that would normally be placed in a refuse container must not be placed in bulky loads and will not be collected.

A Bulky Load collection at a single address shall be limited to a maximum of four (4) cubic yards. Solid Waste Services shall not provide Bulky Load collection services

for apartment complexes, businesses, or any other property that utilizes a dumpster, compactor or similar device for garbage collection purposes. All Bulky Load collections must be scheduled in advance. A collection for a specific address may be scheduled no more frequently than once every ninety (90) days.

- (2) Special Load Program. Collection of refuse, recycling, or yard waste, unable to be collected by Solid Waste Services regularly scheduled collection and/or the Solid Waste Services Bulky Load Program may be collected by the Solid Waste Services Special Load Program for a fee. Fees for Solid Waste Services Special Load Programs are set forth in the City of Raleigh Fee Schedule. Multiple Special Load collections may be purchased. The full amount due must be paid in advance; no items will be collected should the amount due exceed the amount paid. The Special Load Program is not available for rocks, dirt, building materials, loose leaves, tree limbs larger than five (5) feet long and six (6) inches in diameter, tree stumps, car parts, tires, chemicals, or paints. Debris resulting from work performed by a contractor will not be collected. This service is a residential service and not available to businesses or commercial entities without special approval from the Solid Waste Services Director or the Director's designee.
- (3) Solid Waste Services must have direct access to items to be collected. There must be no obstructions or other conditions that make collection hazardous or could cause a nuisance. Items must be located in a place that can be collected safely and effectively.
 - a. Items not prepared in accordance with the Raleigh City Code is a violation, and those items will not be collected.
 - b. Any person, who is the owner, occupant, tenant, or otherwise has any control of any premises, building, or land in the City, including vacant property, who improperly prepares items for collection, shall be subject to enforcement in accordance with Raleigh City Code Sections 7-2002.2(d) and (e), and 7-2002.3.

Section 4. Part 7, Chapter 2, Article B, Sec. 7-2005 of the Raleigh Code of Ordinances shall be amended to add the underlined language where noted below, and to delete the language shown as stricken through:

Sec. 7-2005. PRECOLLECTION PRACTICES, REMOVAL OF RUBBISH, REFUSE, RECYCLING, YARD WASTE, AND OTHER WASTE.

The following standards and requirements shall be imposed on the preparation and handling of waste prior to collection by the City. Improperly prepared refuse, recycling, ~~or~~ yard waste, or other service provisions shall not be collected. Any person, who is the owner, occupant, tenant, or otherwise has any control of any premises, building, or land in the City, including vacant property, who improperly prepares refuse, recycling, or yard waste, or who mixes or contaminates refuse, recycling, or yard waste, shall be subject to enforcement in accordance with Raleigh City Code Sections 7-2002.2 and 7-2002.3.

(a) Preparation of refuse, recycling, and yard waste.

- (1) Garbage must be placed in refuse containers and must always be stored within the container at all times.
 - a. All garbage must be bagged before being placed in refuse containers used to collect garbage. Loose garbage or garbage that cannot be bagged must not be placed in containers.
 - b. Yard waste, recycling, or other unacceptable items must not be placed in containers used for garbage.
 - c. Solid Waste Services will not collect garbage placed outside of a container without an authorized Special Collection pick up.
 - d. Solid Waste Services will not collect improperly prepared garbage.
 - e. Garbage container lids must be closed. Garbage cart lids that are open twelve (12) inches or less, will be considered closed for purposes of this Part.
- (2) Recycling must not be mixed with garbage, yard waste, or other items.
 - a. Recycling must be placed in approved recycling containers. No recycling material must be placed outside the container.
 - b. Recycling must not be bagged. Only loose recycling must be placed in recycling containers.
 - c. Recycling container lids must be closed. Recycling cart lids that are open twelve (12) inches or less, will be considered closed for purposes of this Part.
- (3) Properly prepared yard waste will be collected in the manner described below.
 - a. Yard waste may be properly prepared for collection by using any of the following three (3) methods. Any, or all, of the three (3) methods may be used on collection day.
 1. Place yard waste in a City-issued, bright green, ninety-five (95) gallon container (yard waste cart). Yard waste cart lids must be closed. Yard waste cart lids that are open twelve-inches or less, will be considered closed for purposes of this Part. The City shall provide one (1) approved container for yard waste collection. Should this be insufficient storage between collections, the resident may request one (1) additional yard waste container for a one-time fee, and a recurring monthly fee, for continued curbside collection of the second container.
 2. Place yard waste in biodegradable paper bags. A maximum of fifteen (15) yard waste bags may be placed at the collection point on collection day.
 3. Place yard waste in bundles. Yard waste bundles must be tied with natural materials, including without limitation, natural twine, rope, or fiber, and must be no longer than five (5) feet in length, eighteen (18) inches in diameter, and no heavier than fifty (50) pounds. A maximum

- of five (5) yard waste bundles may be placed at the collection point on collection day.
- b. The collection points for properly prepared yard waste are either the curb line at the street, at the area between the sidewalk and the curb, or a point of collection otherwise authorized by the Solid Waste Services Director, or the Director's designee.
 - 1. Yard waste may be placed at the collection point no earlier than 6:00 a.m. on the day before the designated day for collection.
 - 2. Yard waste must not block any street or public right-of-way.
 - 3. Yard waste must be at least five (5) feet from other objects.
 - 4. Containers, bags, or bundles must not be blocked or too close to other objects.
 - 5. Collection crews must have direct access to yard waste for safe and effective collection.
 - c. Yard waste collection day will occur pursuant to a published schedule, as determined by the Director of Solid Waste Services.
 - d. Solid Waste Services will not collect yard waste in the following instances.
 - 1. Yard waste will not be collected from contractors.
 - 2. Yard waste will not be collected from non-residential properties that do not qualify for garbage and recycling services.
 - 3. Yard waste will not be collected from community properties or properties maintained by Homeowners Associations (HOAs) or property management companies.
 - 4. Yard waste will not be collected from parks, pools, parking lots, or other common areas that are not owned by a resident or tenant.
 - e. Solid Waste Services will not collect improperly prepared yard waste. In addition, Solid Waste Services will not collect yard waste that is mixed with household items, garbage, or recycling, or yard waste that is mixed with any other item that is unacceptable for disposal at the City's Yard Waste Center (contaminated yard waste). Any person, who is the owner, occupant, tenant, or otherwise has any ~~possessory~~ control of any premises, building or land in the City, including vacant property, who improperly prepares yard waste, or who mixes or contaminates yard waste, shall be subject to enforcement in accordance with §§ 7-2002.2 and 7-2002.3.
- (4) No person shall burn solid waste, including trash, recycling, or yard waste, outdoors on the streets or sidewalks or on private property within the city limits. This provision applies to persons living within one mile of the city limits, if a public health or public safety nuisance is established, and the City provides access to drop off services on the same basis as city residents.
- (5) Building rubbish, construction material, and demolition material, shall not be collected by the Solid Waste Services Department. The contractor or any person who has control of the premises, building, or land, including vacant land, is responsible for proper disposal. Failure to properly dispose of these materials shall result in warnings and administrative fees outlined in 7-2002.2.

(b) Refuse and recycling containers.

- (1) All refuse or recycling containers shall conform to the standards described in City Code, and other forms of communication produced by the Solid Waste Services Department. Refuse and recycling containers must be fully compatible with the City's collection equipment.
 - a. Alternate means and devices may be approved by the Solid Waste Services Director or the Director's designee to remedy limitations to standard collections and/or as a remedy of anything that is dangerous, or harmful to the quality of life, public health, or public safety.
 - b. Alternate methods or means of collection may include, but not be limited to, storage, collections methods, point of collection, path of collection, or disposal plans. Remedies, modifications, and/or alternate collection plans must be based on sound collection, safety, compliance, enforcement, sustainability, and/or risk management principles.
- (2) Dwellings eligible for individual unit collection will be provided one (1) City-issued container. In the event that one (1) container is insufficient, a person, who is the owner, occupant, tenant, or otherwise has any control of any premises, building or land in the City, including vacant property, may obtain one (1) additional City issued container. Individual units may place no more than two (2) roll-out containers at the curb for collection. Additional containers at the point of collection or curb will not be collected.
- (3) A person who is the owner, occupant, tenant, or otherwise has any control of any premises, building or land in the City, including vacant property, is responsible for the maintenance of refuse, recycling, and yard waste containers. Any refuse container that does not conform to the provisions of this chapter or that has ragged or sharp edges or any other defect liable to hamper or injure the persons collecting the contents thereof, shall not be used for holding refuse intended for collection, but must be promptly replaced by a proper receptacle. A fee must be paid to receive an additional or replacement container. The fee will only be waived if containers have been damaged by collection crews.
- (4) Every person producing or having refuse or waste of any kind shall provide and keep on the premises or property occupied or used by him sufficient refuse containers to handle all accumulation of refuse on such premises or property in the interval between collections by the Solid Waste Services Department.
- (5) During seasonal loose leaf collection periods, as designated by the City's Transportation Department, qualifying City residents may deposit loose leaves at the curb for collection in accordance with the Transportation Department's seasonal loose leaf preparation guidelines. The City's loose leaf collection program is managed by the City's Transportation Department. At all other times during the year, or for collection by the Solid Waste Services Department, leaves shall be prepared in accordance with §7-2005(a)(3).
- (6) No person shall throw, drop or deposit any leaves, shrubs, or other debris into any catch basin or manhole in the City.
- (7) Every dwelling unit shall have adequate garbage, recycling, yard waste, and rubbish storage facilities the type and location of which are approved by the Solid Waste Services Director.

(c) Storing of refuse, recycling, and yard waste.

- (1) Every person, who is the owner, occupant, tenant, or otherwise has any control of any premises, building or land in the City, including vacant property, shall keep the same in a clean and orderly condition, free of all nuisances, obstructions, and/or any condition that is harmful to public health, public safety, general welfare, quality of life, or general integrity of the City.
 - a. Refuse, recycling, yard waste, and other waste for collection must be stored in collection devices that prevent nuisances or create conditions that are harmful to public health, public safety, or general welfare.
 - b. All storage and/or collection devices must be in accordance with the provisions of this chapter.
 - c. Hazardous, combustible, and noncombustible refuse shall be stored in containers that protect the public and natural environment.
 - d. Every person, who is the owner, occupant, tenant, or otherwise has any control of any premises, building or land or land in the City, including vacant property, and any area abutting any right-of-way or street in the City, who violates these storage provisions, shall be subject to enforcement in accordance with Raleigh City Code Sections 7-2002.2 and 7-2002.3.
- (2) No person shall throw, drop or deposit, or cause to be thrown, dropped or deposited on any land in the City (vacant or occupied) any waste (including but not limited to refuse, garbage, ashes, rubbish, building rubbish, dead animals, putrescible matter, and anything injurious to health); provided, however, the prohibition contained in this subsection shall not apply to the deposit of waste not injurious to health on a public dump where permission to make such deposit is granted by the Solid Waste Services Director nor to the filling in or grading of property with earth, mud, ashes and similar materials.

(d) Points of collection.

- (1) Refuse, recycling, yard waste, and other waste for collection to be collected by the Solid Waste Services Department shall be placed at the curb, edge of property abutting the street, alley or other City-approved location of the property from which it was generated.
 - a. Alternate points of collection may be approved on a case-by-case basis by the Solid Waste Services Director or the Director's designee to remedy limitations to standard collections, collection efficiency, and/or as a remedy of conditions that are dangerous, harmful to quality of life, public health, or public safety.
 - b. Carts must not be placed in front of neighboring properties or in bike lanes, traffic lanes, and/or block any right-of-way.
 - c. Carts may be placed at the street, by the curb, at the area abutting the street, or other approved point of collection by 6:00 a.m. on the day before the designated day for collection. Carts must be removed from the point of collection or curb by 7:00 p.m. the day after collection to a location on the property not seen from the public right-of-way or at the side or rear of the building.

- d. If the Solid Waste Services Director or the Director's designee deems an alleyway passable for City Solid Waste equipment, roll-out containers may also be placed at rear alleyways.
 - e. Solid Waste Services must have direct access to containers. Containers must not be blocked by vehicles or other objects. Containers shall be placed at least five (5) feet away from any obstruction (including mailboxes, transformers, parked cars, and light poles) and shall not be placed near low hanging branches or power lines.
 - f. Improperly-placed containers are a violation and shall not be collected.
- (2) Any person, who is the owner, occupant, tenant, or otherwise has any control of any premises, building, or land in the City, including vacant property, shall be responsible for the placement of refuse, recycling, and yard waste, or refuse, recycling, or yard waste containers. Any person who shall be found in violation of any provisions of this chapter, including those of Raleigh City Code Section 7-2005(d)(1), shall be subject to enforcement in accordance with Raleigh City Code Sections 7-2002.2 and 7-2002.3. Any violation of this subsection (d) shall be deemed a non-criminal violation and shall not be a misdemeanor or infraction pursuant to G.S. 14-4 or Section 14-1005(a) of this Code of Ordinances. Both the Inspections Director or the Director's designees and the Solid Waste Services Director or the Director's designees may enforce the provisions of this section.
- (3) All properties and areas in the City of Raleigh are subject to the standards and requirements set forth in the Raleigh City Code, including the area where the City has jurisdiction through planning and zoning regulations.
- a. Any property receiving any services through the City of Raleigh Solid Waste Services Department is subject to the standards and requirements imposed on the preparation, storage, management, disposal, and/or and handling of waste as set forth in Part 7 of the Raleigh City Code, and other rules and regulations published by the Solid Waste Services Department, including, but not limited to, the City's website, brochures, and/or other forms of communication.

(4)

(e) Need Assistance Collection Program—Exemptions to curbside requirements.

- (1) A site visit will be performed to determine an acceptable storage location for carts prior to completion of the Need Assistance Collection Program Application. Each resident requiring assistance under the Need Assistance Collection Program, who lives in a single dwelling, must have an approved application on file.
- (2) Upon completion of an application for the Need Assistance Collection Program by a resident, including a Physician's Statement for the dwelling at which the person resides, the following persons shall receive back yard collection of garbage, recycling, and yard waste:
 - a. Residents who have a permanent disability with no able-bodied person residing with them who can move the containers to the curb; and
 - b. Residents who have a temporary disability with no able-bodied person residing with them who can move the containers to the curb.
- (3) To qualify for the Need Assistance Collection Program, the resident's garbage, recycling, and yard waste must be serviced from the house, in garbage and recycling

containers either furnished or purchased from the City, and in the yard waste container issued by the City. Only yard waste contained in City-issued yard waste carts will be collected from the property. No additional yard waste (in biodegradable bags or in bundles) will be collected from the property.

- (4) A resident is not eligible for Need Assistance collection if the resident does not have a completed application for the Need Assistance Collection Program on file with the Solid Waste Services Department.
- (5) Preparation of garbage, recycling, and yard waste must be in accordance with provisions in this section of the City Code.
- (6) Solid Waste Services employees must have direct access to garbage, recycling, and yard waste containers. Employees will not maneuver over terrain that creates topographical problems that make collection unsafe. Employees will not go on porches, behind fences or gates, in garages, up steps, or on decks. All animals must be tied up and enclosed in a fence.
- (7) Solid Waste Services shall confirm the eligibility of residents requesting Need Assistance collection prior to providing the service.
- (8) A residents shall recertify for the Need Assistance Collection Program, if the resident violates eligibility requirements or Solid Waste Services established collection practices.
- (9) Any person who shall be found in violation of any of the Need Assistance provisions and collection procedures shall be subject to enforcement in accordance with Raleigh City Code Sections 7-2002.2 and 7-2002.3.

Section 5. Part 7, Chapter 2, Article B, Sec. 7-2006 of the Raleigh Code of Ordinances shall be amended to add the underlined language where noted below, and to delete the language shown as stricken through:

Sec. 7-2006. - RATE SCHEDULES FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES.

- (a) The schedule of rates and fees for collection and disposal of solid waste, yard waste, and other provisions, shall be as fixed and established from time to time by the City Council and maintained on file in the office of the Finance Director. Such rates and fees shall be collected from the users of the services and shall be due and payable monthly in accordance with law within twenty (20) days from the date such rates and fees are billed to the respective users.
- (b) Properties which are connected to the Raleigh Water Billing System shall pay a monthly fee for the collection of solid waste, recycling, and yard waste.
 - (1) All residential properties in the City of Raleigh shall pay a recycling fee.
 - (2) Fees shall be based on type of service, level of service, frequency of service, number of containers, and cost of service. Fees, including administrative fees assessed for violations of the Solid Waste Services code provisions, shall be collected through the Raleigh Water Billing System.
 - (3) Billing discrepancies shall be investigated and resolved on a case-by-case basis. Refunds and/or back billing shall not exceed three (3) years.

- (4) Any person, who is the owner, occupant, tenant, or otherwise has any control of any premises, building, or land in the City, including vacant property is responsible for ensuring the accuracy of fees charged based on services provided.
- (c) The Revenue Collector shall have responsibility for billing and collecting the fees due to the City under the provisions of this section and shall have full authority to pursue all available remedies against those who fail to make payments required by this section

Section 6. That this ordinance shall become effective upon adoption.

Adopted: April 15, 2025

Effective: April 15, 2025

Distribution: City Manager – Adams-David, Raleigh
City Attorney – McDonald, Poole, Hargrove-Bailey
Solid Waste Services Department – Gregory II