

CHAPTER 58 AND RELATED SWM RULES
SUMMARIES OF CITIZEN REQUIREMENTS AND PROHIBITIONS

The list below contains summaries of requirements and prohibitions in Chapter 58 and related rules that apply to citizens, both residents and businesses. The Solid Waste Management Department's proposed enforcement changes would apply to these unless otherwise noted. The items in bold are provisions that are often violated. For more information, please call 560-4186 ext. 32248 (Code Enforcement).

(PLEASE NOTE: These summaries are intended only to provide a user-friendly general overview. They cannot be relied upon as law. To obtain the actual language of the City Code, please see the link to "Code of Ordinances" at www.durhamnc.gov or contact SWM at 560-4186 ext. 32248.)

ARTICLE I - IN GENERAL

58-3.

Non-city collection of garbage/recyclables set out for city collection is prohibited.

58-4.

Private refuse hauling vehicle must be approved by county health department.

58-5.

Refuse disposal within the city is subject to direction of director and county health department.

58-6.

Loose dogs on garbage collection day that result in dogs turning over containers and scattering contents are prohibited.

ARTICLE II - RECEPTACLES

58-31.

Households, stores, etc. must provide proper receptacles as defined in SWM rules unless the city provides them.

Rule: The City provides roll-out carts. Private receptacles are prohibited.

Rule: Four cart maximum for a residence. Second cart must be leased.

Rule: Garbage bags and other refuse on the ground are prohibited. One bag only may be placed on top of the garbage cart.

58-36.

Deliberate damage to a cart or bin provided by the city is prohibited.

58-65.

The following must use stationary containers:

- **Customers who generate more than four 96-gallon roll-out carts of garbage**
- Multi-family dwellings under 58-66
- Locations as determined by the director for specified reasons - Commercial developments with four or more businesses.

58-66.

Multi-family dwellings in any development with at least one building with 5 or more units must use stationary container facilities. The required numbers based on number of residential units are specified.

58-68.

Location of stationary containers and recycling containers must be convenient and safe for users and collectors. Collection schedules are subject to approval by the director.

ARTICLE III - PREPARATION, ETC., OF REFUSE AND RECYCLABLES FOR COLLECTION

58-97.

- **All garbage must be in bags.**
- **Liquid in garbage is prohibited.**
- **Recyclables must be separated from garbage and placed in separate bin for collection.**
- **Recyclables in the garbage cart are prohibited.**

Rule: **Recyclables that must be separated (target recyclables) are newspaper, aluminum cans, steel cans, glass bottles and jars, and corrugated cardboard. We also accept other materials including mixed paper.**

58-98.

Yard waste must be in biodegradable paper bags or yard waste carts or in bundles no longer than 4 feet long/18 inches in diameter/75 lbs/no single piece of wood more than 6 inches in diameter.

Rule: **Five bags per week maximum, except twenty-five bags per week maximum October 1 - November 30 and April 1 - May 31. (Failure to comply is not considered a violation but your waste will not be collected.)**

Rule: **Yard waste must be separated from garbage.**

Rule: **Using a garbage cart for yard waste or a yard waste cart for garbage is prohibited.**

Rule: Four cart maximum. (Failure to comply is not considered a violation but your waste will not be collected.)

58-100.

Use of stationary containers by people who do not own or occupy the property is prohibited.

58-101.

Animal litter must be placed in a securely tied bag.

Rule: The bag must be placed inside the garbage cart.

58-102.

Hypodermic syringes and needles must be placed in puncture-resistant cartons with tight fitting lids.

Rule: The cartons must be placed in a bag inside the garbage cart.

58-103.

Separate receptacles must be used for recyclables collected by the city.

Rule: Each residence receives one blue bin free. Additional bins may be purchased for \$6.00 each. Residents may also use private plastic bins if labeled for recycling.

58-104.

Recycling drop-off centers may be used only for the types of recyclables collected by the city.

58-105.

All stationary containers reserved for recyclables must be used for that purpose only. Mixing of refuse with recyclables is prohibited.

ARTICLE IV - REMOVAL, DISPOSITION, ETC.

58-124.

When placed in proper receptacles that are located in accessible locations, garbage shall be removed under regulations of the director and subject to this article.

Rule: **Garbage bags and other refuse on the ground are prohibited. One bag may be placed on top of the garbage cart.**

Rule: **Place carts and bins at least three feet apart and at least three feet away from any other obstructions (mailboxes etc.).**

58-125.

- Collection schedules shall be determined by the director. The director can alter schedules for holidays or emergency situations.

Rule: Place carts and bins at the curb by 6 a.m. on collection day. (Failure to comply is not considered a violation but your waste may not be collected.) - Businesses that generate more than two cubic yards of garbage each week (capacity of four 96-gallon roll-out carts) must use stationary containers.

58-126.

Refuse of all kinds must be placed outside of buildings at easily accessible locations.

58-127.

All businesses must set out their refuse at locations set by the director.

58-130.

No receptacle shall be placed or remain on any public street or sidewalk on Sunday or any non-collection day or otherwise than as prescribed by the director.

58-131.

Downtown collection: Garbage etc. on the street except between 6:30-9:00 a.m. is prohibited; Receptacles left out after 10 a.m. are prohibited.

58-132.

No unauthorized person can meddle with a receptacle or its contents.

58-134.

All recyclables must be placed in a recycling bin and set on the curb for collection.

58-152.

No hazardous refuse is collected by the city. The responsible person must transport the hazardous waste to the city disposal facility for disposal under city regulations.

58-153.

No manufacturing, wholesaling, assembly, or processing refuse is collected by the city.

58-154 (a).

No building materials or construction, demolition, repair, contractor, or landscape gardener refuse are collected by the city.

58-154 (b).

Contractors must remove refuse from jobs.

58-154 (c).

Tree surgeons must remove refuse from jobs.

58-155.

Stable manure must be removed by the maintenance staff.

58-156.

No tires are collected by the city. The responsible person must transport the tires to the city disposal facility for disposal under city regulations.

58-181.

Private haulers may use the city disposal center subject to city regulations.

Rule:

58-183.

Removal of materials from the city disposal center unless authorized by the director is prohibited.

58-184.

City disposal center hours of operation are set by the director. Disposal outside of those hours is prohibited.

ARTICLE V. LITTERING; CLEANLINESS OF PREMISES; ABANDONED VEHICLES (Note: premises and abandoned vehicles are handled by Housing)

26-116

Depositing any kind of refuse or waste on any public property or any private property without permission of the owner is prohibited.

26-117

Residents and business operators are prohibited from moving (sweeping, blowing, etc.) any kind of material, including dirt and yard waste, into the streets, sidewalks, or other public rights of way. They must lawfully dispose of such waste.

26-118

Use of garbage or any other offensive material for fill is prohibited.

26-119 (a)

Driving a vehicle so as to deposit excessive mud on streets etc. is prohibited. If cleaning the vehicle before driving is impracticable, the owner/driver is responsible for cleaning the streets etc.

26-119 (b)

Scattering dirt, rock, sand, cement, etc. from a vehicle onto the streets, etc. is prohibited.

26-119 (c)

Vehicles must be constructed or covered to prevent falling or scattering of material onto the streets, etc.

26-120

Placing any building materials on the street, sidewalk, etc. without immediately removing them is prohibited, except where approved by Inspections.

26-121

Sellers of merchandise are prohibited from selling such that merchandise-related materials are deposited on streets, sidewalks, etc. Sellers of merchandise must keep their premises clean so that merchandise-related materials are not transferred onto streets, sidewalks, etc.

26-122

All persons must comply with city rules and regulations relating to clean streets.

26-123

- **Littering is prohibited. The definition of littering is very broad and includes dumping, dropping, throwing, leaving, and permitting to be scattered. The definition of litter is also very broad and includes garbage, newspapers, yard waste, furniture, dead animals, and all other refuse.**
- Placing refuse around a public receptacle or on top of a public receptacle so that it falls on the ground is prohibited.
- Placing household or commercial waste in a park receptacle or other receptacle designated for pedestrian use is prohibited.
- Littering into any stream, river, or other body of water is prohibited.
- Leaving sharp objects in areas where vehicles (cars, bicycles, etc.) drive is prohibited. - Placing fire, herbicides, pesticides, construction debris, appliances, etc. in public receptacles is prohibited.
- The owner of any business open to the public shall keep the premises clean of litter and prevent litter from moving onto adjoining property.
- The owner of any business open to the public shall provide a sufficient number of litter receptacles.