

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE

**51. GENERAL WATER AND SEWER
PROVISIONS**

CHAPTER 50: SOLID WASTE

Section

- 50.01 Definitions
- 50.02 Solid waste required to be deposited in approved containers
- 50.03 Burning or burying regulated
- 50.04 Accumulation prohibited
- 50.05 Containers required
- 50.06 Precollection practices
- 50.07 Location of containers
- 50.08 Unlawful to displace containers
- 50.09 Special or bulk collections regulated
- 50.10 Removal of dead animals
- 50.11 Transportation by private citizens

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING MATERIAL SCRAPS. Scrap building material from the construction, reconstruction, remodeling, or repair of a building, walkway, driveway, sign, and other structure, including, but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber, or any other similar material used in construction, or the containers or wrappings therefor.

GARBAGE. All putrescible wastes, including animal and vegetable matter, animal offal and carcasses, and recognizable industrial byproducts, but excluding sewage and human wastes.

REFUSE. All nonputrescible wastes.

SOLID WASTE. Garbage, refuse, rubbish, trash, and other discarded solid materials; including solid waste materials resulting from homes; businesses; industrial, commercial, and agricultural operations; and from community activities; but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants.

TREE TRIMMINGS. Tree limbs, leaves, shrubbery, trimmings, and cuttings and all other trimmings from the natural growth of trees, shrubbery, weeds, plants, or grass.
(1973 Code, § 9.25)

§ 50.02 SOLID WASTE REQUIRED TO BE DEPOSITED IN APPROVED CONTAINERS.

It shall be unlawful for any person to throw, place, or deposit any garbage or refuse of any kind on any public or private property, except in approved containers or as otherwise provided in this chapter, §§ 92.15 *et seq.*, §§ 92.45 *et seq.*, or Chapter 93.
(1973 Code, § 9.26) Penalty, see § 10.99

§ 50.03 BURNING OR BURYING REGULATED.

It shall be unlawful to burn or set fire to or bury any garbage for the purpose of disposal. In addition, it shall be unlawful to bury any refuse for the purpose of disposal, unless a permit therefor has been granted by the Fire Chief.
(1973 Code, § 9.27) Penalty, see § 10.99

§ 50.04 ACCUMULATION PROHIBITED.

All garbage and refuse shall be collected and placed in containers as required by this chapter, §§ 92.15 *et seq.*, §§ 92.45 *et seq.*, or Chapter 93, and it shall be unlawful for any person to permit garbage or refuse to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit same in approved containers as required herein.
(1973 Code, § 9.28) Penalty, see § 10.99

§ 50.05 CONTAINERS REQUIRED.

The occupant of every building or premises where garbage and refuse does or may exist shall provide containers made of substantial galvanized iron, plastic, rubber, or other nonrusting material in which shall be deposited all garbage and refuse existing at the building or premises. Each container shall be provided with handles or bails and with a tight fitting cover made of the same material as the container. All containers shall be watertight and they shall be of a size that can be conveniently handled by the collectors, and no container shall be more than 32 gallons in capacity and measure not over 22 inches in diameter nor 30 inches in height. All containers shall be kept in a reasonable, clean manner by the use of lye or other effective cleaner.
(1973 Code, § 9.29) Penalty, see § 10.99

§ 50.06 PRECOLLECTION PRACTICES.

All garbage and refuse shall have the liquid drained therefrom and shall be wrapped in paper or other like material before it is placed in the container for collection. Ashes and cinders shall be placed in a separate container provided for that purpose, and no ashes shall be deposited in any container until they are cold. Containers which fail to have a top, as required in § 50.05, or which become rusted or broken and therefore are unable to contain garbage and refuse in a satisfactory manner, will not be used. (1973 Code, § 9.30) Penalty, see § 10.99

§ 50.07 LOCATION OF CONTAINERS.

Containers shall not be placed adjacent to the street or sidewalk except on the days when garbage is to be collected. A schedule of collection shall be kept on file at the Clerk's Office. When collection schedules are altered from time to time, notice of the change shall be given by publishing the new schedule in a newspaper having general circulation in the town. Garbage containers shall be removed from their positions adjacent to the street or sidewalk after the contents have been emptied on that same day. At places of business or manufacturing, empty containers shall not be left on the street for more than 30 minutes between the hours of 9:00 a.m. and 4:00 p.m. (1973 Code, § 9.31) Penalty, see § 10.99

§ 50.08 UNLAWFUL TO DISPLACE CONTAINERS.

It shall be unlawful for any person to damage, displace, or otherwise interfere with garbage containers or their contents, except the owner or upon permission or at the request of the owner. (1973 Code, § 9.32) Penalty, see § 10.99

§ 50.09 SPECIAL OR BULK COLLECTIONS REGULATED.

(A) No bulk trash, tree limbs, shrubbery cuttings, leaves, and other refuse will be collected without charge unless the refuse can be placed in regulation-type garbage cans. Limbs, tree trunks, and tree and bush cuttings are of a size that can be readily loaded in regulation garbage trucks in amounts not in excess of 1/2 a truck load for any one residence or place of business. In this event, no charge will be made for the collection.

(B) Any property owner desiring special bulk collections of loose matter not in closed containers or tied in bundles may request a special collection for which a charge will be made. If sufficient manpower and equipment is available, town personnel are authorized to make special collections, provided the person making the request agrees to pay for the labor and equipment used at the rate specified by the Town Clerk.

(C) (1) No collection shall be made from vacant lots nor shall any large rocks, tree trunks, tree stumps, tree limbs of more than eight feet in length, or other heavy objects be collected by the town.

(2) No waste building materials or lot clearings shall be collected from houses or other structures under construction or recently completed.

(D) Material to be collected by special collections shall be placed in neat piles and so located that the refuse can be easily loaded on trucks for disposal.

(1973 Code, § 9.33) Penalty, see § 10.99

§ 50.10 REMOVAL OF DEAD ANIMALS.

Dead animals will be removed from any premises by the town upon notice to the Town Clerk of the existence of the dead animal.

(1973 Code, § 9.34)

§ 50.11 TRANSPORTATION BY PRIVATE CITIZENS.

No person or persons shall collect, handle, or transport, over or along any of the streets, alleys, or other public ways in the town, any garbage or refuse without first having obtained a permit therefor from the Board of Commissioners.

(1973 Code, § 9.35) Penalty, see § 10.99

CHAPTER 51: GENERAL WATER AND SEWER PROVISIONS

Section

- 51.01 Board to regulate water and sewer system
- 51.02 Permit for connection required
- 51.03 Separate connection required
- 51.04 Water and sewer required
- 51.05 Use of town water
- 51.06 Water and sewer rates
- 51.07 Tampering with or obstructing water and sewer lines prohibited
- 51.08 Private water supply regulated
- 51.09 Water and Sewer Superintendent
- 51.10 Work on water and sewer system
- 51.11 Owners of more than one house
- 51.12 Nonpayment of bills

§ 51.01 BOARD TO REGULATE WATER AND SEWER SYSTEM.

The water and sewer system of the town shall be under the control of, and the duty of prescribing and enforcing a full compliance with all the rules and regulations governing all connections with the public sewer and water system shall be vested in, the Board or its authorized agent.
(1973 Code, § 6.1)

§ 51.02 PERMIT FOR CONNECTION REQUIRED.

(A) No person, firm, or corporation shall connect with the water system of the town until they shall have made application for permission to so connect, in writing, to the Town Clerk, and this application shall be made before any part of the drainage system of the house or other connection shall have been laid or constructed.

(B) The application shall be accompanied with a plan or drawing showing the location of the building and the entire proposed connection from the public sewerage line through the building to its terminus; showing the location of all the fixtures, traps, ventilating pipes, and the like; and shall state the name of the street and the name of the person, firm, or corporation.
(1973 Code, § 6.2) Penalty, see § 10.99

§ 51.03 SEPARATE CONNECTION REQUIRED.

Each individual business or dwelling unit located in a building or structure shall constitute a separate account, provided that no account shall be established or maintained in the name of a tenant of an individual business or dwelling unit, unless either:

(A) Each individual business or dwelling unit shall have a separate water and sewer connection; or

(B) The owner of the premises shall have contracted for the service.

(Ord. passed 8-2-1983) Penalty, see § 10.99

§ 51.04 WATER AND SEWER REQUIRED.

(A) All owners of improved property located within the corporate limits and upon or within a reasonable distance of any water or sewer collection line owned and operated by the town shall connect their premises with the town water and sewer system.

(B) Upon completion of any extension of the public sanitary system of the town, the Town Clerk shall send official notice to owners of property located within 200 feet of the extension to make connection with the system within 120 days after the official notice.

(C) The charge made for the cost of the connection to the public sanitary sewer system shall be paid to the town prior to the time the connection is made and in no event later than 120 days from the date of the official notice.

(D) No outdoor privies may be hereafter constructed on or near any sewer line, and the Board of Commissioners may require and enforce immediate abandonment of any privy.

(E) No person shall maintain or use a residence located within 300 yards of another residence that is not provided with sewerage, where the sewerage is available, or with septic tanks approved by the State Board of Health, or with a sanitary privy which complies in construction and maintenance with the requirements of the State Board of Health.

(F) No person shall, after having an outdoor privy condemned, rebuild the outdoor privy, but must connect to the town sewerage system where the connection is available. If the connection is not available, the person must build a septic tank or outdoor privy according to the requirements of the State Board of Health.

(G) In lieu of connecting their premises with the town water system as set forth in division (A) above, the owner of improved property must pay a water availability charge.
(1973 Code, § 6.4) (Ord. passed 11-4-2003) Penalty, see § 10.99

AN ORDINANCE AMENDING THE TOWN OF BAILEY
CODE OF ORDINANCES TITLE V: PUBLIC WORKS
CHAPTER 51: GENERAL WATER AND SEWER
PROVISIONS §51.04 WATER AND SEWER REQUIRED

WHEREAS, the Town of Bailey has an adopted Code of Ordinances containing regulations pertaining to water and sewer; and

WHEREAS, the board of commissioners for the Town of Bailey finds that some of the existing regulations pertaining to water and sewer connections are outdated and ineffective; and


WHEREAS, the North Carolina Legislature has given municipalities the power to enact ordinances regulating water and sewer use (North Carolina General Statute Chapter 160A Article 16),

NOW, THEREFORE IT BE ORDAINED, by the board of commissioners for the Town of Bailey, that the regulations contained in Title V Chapter 51 §51.04 (A) and (G) are hereby repealed and that the following regulations are hereby adopted:

§51.04 Water and Sewer Required

(A) All owners of improved property located within the corporate limits and upon or within 200 feet of any water or sewer collection line owned and operated by the town shall connect their premises with the town water and sewer system. Any such owner who already has in use a well approved by the Nash County Health Department may, in lieu of connecting the premises to the town water system, pay a monthly availability charge and may continue to use the well for so long as he or she owns the property and pays the charge, for so long as the well remains suitable for such use as determined by the Nash County Health Department. Upon transfer of ownership, the new owner shall be required to connect the premises with the town water system. Except that, any owners of improved property who already have in use a well and a septic tank, approved by the Nash County Health Department, shall not be required to connect the premises with the town water system upon transfer of ownership, for so long as such owners continue to pay the water availability fee.

Adopted this 20th day of February, 2012.


Owen Strickland
Mayor

Attest:


Becky Smith
Town Clerk



§ 51.05 USE OF TOWN WATER.

(A) No consumer will be allowed to supply or sell water to other persons, families, or corporations, nor shall any person take or carry away water from any hydrant, watering trough, or public fountain.

(B) The fire hydrants are for the use of the Fire Department for fighting fires, and are not to be used by any unauthorized person for any purpose without permission from the Board.

(1973 Code, § 6.5) Penalty, see § 10.99

§ 51.06 WATER AND SEWER RATES.

Water rates and water and sewer connection charges shall be determined from time to time by the Board and shall be kept on file in the office of the Town Clerk. It shall be unlawful for any person or persons, other than a person authorized by the town officials, to cut on the town supply of water.

(1973 Code, § 6.6) Penalty, see § 10.99

§ 51.07 TAMPERING WITH OR OBSTRUCTING WATER AND SEWER LINES PROHIBITED.

No person shall touch, tamper, or in any manner manipulate or turn the cut-offs on the water mains forming a part of the water system of the town, nor shall any person tamper with or harm in any manner whatsoever any water or sewer line, main, or any appurtenance thereto. No person shall throw or deposit any material or substance in any water or sewer line that will in any manner obstruct the line.

(1973 Code, § 6.7) Penalty, see § 10.99

§ 51.08 PRIVATE WATER SUPPLY REGULATED.

(A) It shall be unlawful for any person, firm, or corporation to furnish, supply, or provide, for gain or profit, any water from a private well or pumps in or to any dwelling house, boarding house, inn, hotel, café, or other commercial establishment, or any room or rooms of the same, when the dwelling house or any room or rooms therein are rented, or offered for rent to the public, or when the boarding house, inn, hotel, café, or other commercial establishment is open to, or used by, the public, unless and until an analysis of the water from the private well or pump shall have first been submitted to and approved by the Clerk of the town.

(B) The water analysis referred to in division (A) above shall be made by or under the direction of the County Board of Health or the Department of Public Health of the State of North Carolina.

(C) If the water analysis bears the approval of either of the authorities referred to in division (B) above, the Town Clerk shall approve the same by endorsing thereon the word "approved" and affixing thereto his or her signature as Town Clerk. If, however, the analysis shows that the water is contaminated and unfit for human consumption, the Town Clerk shall not approve the analysis, but shall deliver the analysis to the Mayor and Board of Commissioners of the town, which Board may disapprove the analysis and return the same to its owner.

(1973 Code, § 6.8) Penalty, see § 10.99

§ 51.09 WATER AND SEWER SUPERINTENDENT.

The Board of Commissioners may select some competent person to supervise, under their general control, the entire water and sewer system of the town. The Board may from time to time prescribe the duties and responsibilities of the Superintendent. The Superintendent, or his or her assistant, shall, at all reasonable hours, have free access to all premises for the purpose of examining hydrants, fixtures, or connections on which town water pressure is maintained.

(1973 Code, § 6.9)

§ 51.10 WORK ON WATER AND SEWER SYSTEM.

All work on the water and sewer system and all connections or disconnections thereto shall be performed by the authorized employees of the town or their representatives or plumbers approved by the town. All work shall be performed in accordance with the Plumbing Code of the state and the town and the amendments thereto that the Board of Commissioners may from time to time adopt.

(1973 Code, § 6.10) Penalty, see § 10.99

§ 51.11 OWNERS OF MORE THAN ONE HOUSE.

Any property owner having more than one house using water from the same water tap shall be responsible for water bills for all the houses.

(1973 Code, § 6.11) (Ord. passed 12-6-1960) Penalty, see § 10.99

§ 51.12 NONPAYMENT OF BILLS.

(A) It shall be unlawful for any person to cut the town water back on when the same has been cut off by the town official for the nonpayment of any water bill or account due the town.

(B) When the water that is being used by any person, firm, or corporation has been cut off because of the nonpayment of the water account, that person, firm, or corporation shall pay a fee fixed by the Board and kept on file in the office of the Town Clerk before the water shall be turned back on.

(1973 Code, § 6.12) Penalty, see § 10.99