



**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, NOVEMBER 14, 2022 – 7:00 P.M.
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD WEDDINGTON, NC 28104
AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Determination of Quorum
4. Additions, Deletions and/or Adoption of the Agenda
5. Conflict of Interest Statement: *In accordance with the state government ethics act, it is the duty of every Council member to avoid conflicts of interest. Does any Council member have any known conflict of interest with respect to any matters on the agenda? If so, please identify the conflict and refrain from any participation in the matter involved.*
6. Mayor/Councilmember Reports
7. Public Comments
8. Public Safety Report
9. Consent Agenda
 - A. Approval of October 10, 2022 Regular Town Council Meeting Minutes
 - B. Approval of Proclamation 2022-05 for Small Business Saturday
10. Old Business
 - A. Discussion and Possible Consideration of Town Council Rules of Procedure
 - B. Discussion and Possible Consideration of Rules for Public Hearings and Public Comments
11. New Business
 - A. Discussion and Possible Consideration of Chapter 24 - Solid Waste Ordinance
 - B. Discussion and Possible Consideration of Residential Solid Waste Fee Ordinance
 - C. Discussion and Possible Consideration of Residential Solid Waste Fee
 - D. Discussion and Possible Consideration of Resolution of Intent to Consider an Ordinance Amending the Charter of the Town of Weddington to Change Form of Government to Council-Manager.
 - E. Discussion of WCWAA Funding
 - F. Discussion of Extra-territorial Jurisdiction Map
12. Updates from Town Planner and Town Administrator
13. Code Enforcement Report
14. Update from Finance Officer and Tax Collector
15. Transportation Report
16. Council Comments
17. Adjournment

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**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, NOVEMBER 14, 2022 – 7:00 P.M.
WEDDINGTON TOWN HALL
MINUTES
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1. Call to Order

Mayor Horn called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

Council led the pledge of allegiance

3. Determination of Quorum

Quorum was determined with all council present: Mayor Craig Horn, Mayor Pro Tem Janice Propst, Councilmembers Anne Pruitt, Jeff Perryman, and Brannon Howie

Staff present: Town Administrator/Clerk Karen Dewey, Town Planner Robert Tefft, Admin Assistant/Deputy Clerk Debbie Coram, Town Attorney Karen Wolter

Visitors: Gayle Butler, Jack Plyler, Bill Deter, Joyce Plyler, Harry Chilcot, Patricia Hines, Rusty Setzer, Tracy Stone

4. Additions, Deletions and/or Adoption of the Agenda

Motion: Councilmember Pruitt made a motion to approve the agenda as presented.

Vote: The motion passed with a unanimous vote.

5. Conflict of Interest Statement: *In accordance with the state government ethics act, it is the duty of every Council member to avoid conflicts of interest. Does any Council member have any known conflict of interest with respect to any matters on the agenda? If so, please identify the conflict and refrain from any participation in the matter involved.*

Mayor Horn read the conflict of interest statement.
No Councilmembers reported a conflict of interest.

6. Mayor/Councilmember Reports

Mayor Pro Tem Propst reported that Friday night is the annual tree lighting from 5:30-8:30. Mr. and Mrs. Claus will be there with food trucks, and a DJ.

Councilmember Perryman reported that the November WUMA meeting will be Thursday at 4 p.m. at Marvin Village Hall. The delegates are finalizing things with the extra territorial jurisdiction proposal to the county.

Mayor Horn stated his congratulations to Councilmember Perryman and all veterans. He reported that he was in Washington, D.C. with veterans from World War 2, Korea, Vietnam, and the Middle East conflicts. He will be attending the CRTPO meeting Wednesday and the big discussion topic is the I-77 proposed express/toll lanes. It will be a \$2 billion project from the South Carolina state line to uptown Charlotte. Mayor Horn will be meeting with NCDOT Division 10 Deputy Engineer Bret Canipe. After being asked about the road markings on Weddington Road, Mayor Horn discovered that NCDOT only puts dotted lines at intersections where public roads intersect with public roads. He reported meeting with the Wellington Woods HOA regarding the speeding through the neighborhood. The Charlotte Nativity Festival sponsored by the Church of Jesus Christ of Latter-Day Saints on Hemby Road will be held the first weekend in December.

7. Public Comments

Bill Deter: 401 Havenchase Drive- Mr. Deter spoke on the proposed rules for public hearings and public comments and proposed rules of procedure. He expressed that there have been failed processes and blamed the interim town planner. He stated that more residents have gotten involved because of the failed process and it's time to start working together to build back trust. He discussed the proposed rules for public comments and believes they can be written better to restore faith in the process.

Jack Plyler: 1015 Estate Lane- Mr. Plyler commented on comments made by the previous mayor on the Land Use Plan and rezoning to the Board of County Commissioners. He stated that the Land Use Plan is more than a guide and it may not be an ordinance, but it is always referenced in rezoning for land use consistency.

Joyce Plyler: 1046 Bromley Drive- Ms. Plyler gave a shout out to veterans on Veterans Day and believes everything should be done to honor those who sacrificed to give the right to speak. She commented on the proposed rules of procedure and notices of hearings and meetings. She stated that more effort needs to be made to give residents meeting agendas and documents to better inform them. She would like to see the citations of the General Statutes in the rules of procedure. She stated her belief that polite applause should be allowed.

8. Public Safety Report

Deputy Kropp gave the safety report: there has been an uptick across the county in car break ins. Some cars are unsecured, and some are secured. He reminded residents to lock their cars and not to leave firearms in vehicles. Homeowners can install lighting and cameras to help secure their property.

Councilmember Perryman asked if Union County has a notification system for emergencies like an active shooter incident. Deputy Kropp stated that he would look into what the county has.

9. Consent Agenda

- A. Approval of October 10, 2022 Regular Town Council Meeting Minutes
- B. Approval of Proclamation 2022-05 for Small Business Saturday

Motion: Councilmember Perryman made a motion to approve the consent agenda as presented/amended.

Vote: The motion passed with a unanimous vote.

10. Old Business

A. Discussion and Possible Consideration of Town Council Rules of Procedure

Councilmember Howie stated that she didn't feel moving from 3 to 4 minutes for hearing comments was necessary.

Ms. Wolter presented a draft rule of procedures that came from the updated 2017 UNC School of Government book that includes statutory changes and is current with new laws.

Councilmember Pruitt stated her agreement with Ms. Plyler to include notating the statutes in the rules.

Mayor Horn commented on Rule 13 that adding agenda items means the public hasn't been notified ahead of time. Ms. Wolter responded that it is within the authority of the council to add items to discuss, but she would advise against adding anything for consideration or approval.

Ms. Wolter recommended making a change to Rule 7. Special Meetings to match the ordinance. The mayor, mayor pro tem, or two councilmembers may call special meetings.

Council directed staff to make the recommended changes, including adding the statutory references to the rules.

B. Discussion and Possible Consideration of Rules for Public Hearings and Public Comments

Councilmember Howie reiterated that she doesn't feel increasing the time for public hearing comments from 3 to 4 minutes to be necessary.

Councilmember Pruitt stated that if the time allotted remains at 3 minutes, more residents can speak in the hour given.

Councilmember Perryman would like to see public comments at 4 minute and limit the total time to an hour and at the discretion of the council, time may be extended.

Councilmember Howie agreed that the time can be extended given the circumstances, but the intent is to limit to an hour.

Mayor Horn agreed but emphasized that the council is elected to listen to the public but should be allowed to exercise judgement. He stressed caution when limiting the time of public hearings and stated that 3 minutes is too short for people to express views succinctly. Mayor Horn asked what the force is of adopting these rules. Ms. Wolter responded that the majority can change them. Adding verbiage to allow for council discretion means the rules can be waived anytime, by majority vote. Ms. Wolter recommended being consistent with the time limits. Flexibility with the time limits can create a free speech issue. Ms. Plyler mentioned prohibiting applause can be a free speech issue, what is being prohibited here is a demonstrative show of disruption. Polite applause is different from what has been experienced at council meetings. Council agreed to limit public comments to 4 minutes and public hearing comments are limited to 3 minutes. Staff will draft a new rules of procedures with statutory references and include speaking time limits.

11. New Business

A. Discussion and Possible Consideration of Chapter 24 - Solid Waste Ordinance

Council discussed the Solid Waste Ordinance. Ms. Wolter explained that this is the next step in beginning solid waste collection and it is partnered with the Active Waste Contract.

Motion: Councilmember Perryman made a motion to approve Chapter 24 - Solid Waste Ordinance.

Vote: The motion passed with a unanimous vote.

B. Discussion and Possible Consideration of Residential Solid Waste Fee Ordinance

Council discussed the solid waste fee ordinance. Ms. Wolter changed the date for the ordinance to be effective upon adoption. Ms. Gaylord asked to remove the solid waste fund language in Section 15.

Motion: Councilmember Pruitt made a motion to approve the Residential Solid Waste Fee Ordinance with suggested changes.

Vote: The motion passed with a unanimous vote.

C. Discussion and Possible Consideration of Residential Solid Waste Fee

Ms. Gaylord presented that the fee was calculated to project out to avoid adjusting every year. Collection will be \$22 per household per month and will be reviewed annually with the budget. Bills for January 2023 through June 2023 will be sent in December and following that, bills will be annual and sent with the tax bill.

Motion: Councilmember Perryman made a motion to approve the Residential Solid Waste Fee.

Vote: The motion passed with a unanimous vote.

D. Discussion and Possible Consideration of Resolution of Intent to Consider an Ordinance Amending the Charter of the Town of Weddington to Change Form of Government to Council-Manager.

Council agreed to move forward with a public hearing to hear public comment on a proposed amendment to the town charter.

Motion: Councilmember Pruitt made a motion to approve the Resolution of Intent to Consider an Ordinance Amendment the Charter of the Town of Weddington to Change Form of Government to Council-Manager.

Vote: The motion passed with a unanimous vote.

E. Discussion of WCWAA Funding

Council discussion WCWAA funding. The WCWAA is seeking funds to upgrade the lights at the park. The town can provide a grant opportunity with a capital improvement grant agreement. WCWAA is seeking funds for the lights, not operational dollars. If looking to set up park use and a park and rec department, the town would be providing annual operating dollars and they could enter into a management services agreement. Council discussed the town obligation, possible liability issues, and what the town and WCWAA would expect from an agreement. Council directed staff to meet with WCWAA representatives and get an idea of expectations and needs. Council agreed to discuss and the retreat next year.

F. Discussion of Extra-territorial Jurisdiction Map

Councilmember Perryman explained that the Western Union Municipal Alliance (WUMA) is working on an extraterritorial jurisdiction (ETJ) request to the county. They need a form map to present with the request showing the specific unincorporated areas the town is asking for. Councilmember Perryman requested the Council to approve giving staff direction to create a map of the unincorporated properties for the ETJ request.

Council discussed voluntary annexation as an option to requesting ETJ. Mayor Pro Tem Propst expressed support for property owner rights. Councilmember Howie stated that people who chose to buy in the county did so because they didn't want to live in a municipality.

Councilmember Perryman asked for a consensus to give staff direction to create a map with proposed ETJ parcels. Council agreed.

12. Updates from Town Planner and Town Administrator

Update from Planner: Staff has identified three qualified respondents from the solicitation to move forward to in-person interviews. We conducted two of those interviews last week and will conduct the final interview on this Wednesday afternoon. We anticipate having this matter back before the Council at the December meeting to select and award the contract to the number one ranked firm.

Update from Administrator: Tree Lighting will be this Friday from 5:30 to 8:30. The tree will be lit around 7:00. With the approval of the solid waste ordinance/fee ordinance/and fee, bills will be sent out as soon as possible. We will send out an announcement when they go out. Town Hall will be closed for Thanksgiving next Thursday and Friday (the 24th and 25th).

13. Code Enforcement Report

Staff is working with Code Enforcement Officer on a few of the violations. Report is in the packet.

14. Update from Finance Officer and Tax Collector

Tax bill have been mailed out and trash bills will be sent mid-December. Monthly statements are in the packet.

15. Transportation Report

Mayor Horn stated that he would like to see the dates for the Rea Road Extension and Providence Road widening get confirmed.

16. Council Comments

Councilmember Perryman: Thank you everybody for coming out and sharing your opinions. Appreciate your participation. Happy early Thanksgiving. Thanks to town staff for everything you do every day.

Councilmember Pruitt: Ditto. Thank you for coming out and thank you to staff.

Mayor Pro Tem Propst: Ditto again. Thank you to staff, we couldn't do what we do without you. Thank you to the residents for coming out and keeping us honest. Thank you Karen Wolter and Deputies Kropp, Wrenn, and Huffman.

Councilmember Howie: Thank you everybody. Thank you Janice for everything you did for the Friday night tree lighting.

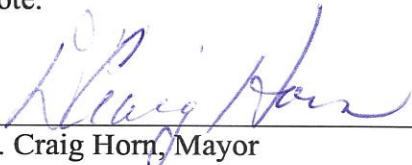
Mayor Horn: I am on the NC League of Municipalities Municipal Committee and I will report on legislation before the General Assembly that may impact the town. The town tree lighting is Friday at 5:30 and the Menorah lighting will be at 5 p.m. on Thursday December 22nd. Congratulations to the Union County Sherriff's office on their new facility, it is quite impressive.

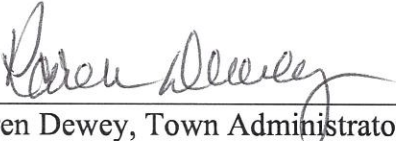
17. Adjournment

Motion: Mayor Pro Tem Propst made a motion to adjourn the November 14, 2022 Regular Town Council meeting at 8:55 p.m.

Vote: The motion passed with a unanimous vote.

Approved: December 12, 2022


D. Craig Horn, Mayor


Karen Dewey, Town Administrator/Clerk



**TOWN OF WEDDINGTON
PROCLAMATION
P-2022-05**

WHEREAS Weddington, NC celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS small businesses employ over 47.5% of the working population in the United States; and

WHEREAS small businesses contribute positively to the local community by supplying jobs and generating tax revenue and are critical to the overall economic health of the country; and

WHEREAS it is important to support the small businesses in the community; and

WHEREAS the Town of Weddington supports our local businesses in Weddington Corners Shopping Center that create jobs, and boost our local economy; and

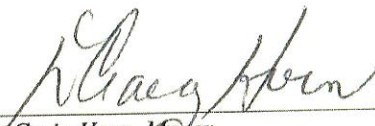
WHEREAS advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday; and

NOW THEREFORE I, Craig Horn, Mayor of the Town of Weddington on behalf of the Town Council and the residents of Weddington do hereby proclaim November 26, 2022 as

SMALL BUSINESS SATURDAY


And urge the residents of our community and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

In Witness Whereof, I do hereby set my hand and seal this 14th day of November 2022.



D. Craig Horn, Mayor

Attest:



Karen Dewey, Town Administrator/Clerk



CHAPTER 24: SOLID WASTE

STATE OF NORTH CAROLINA)
TOWN OF WEDDINGTON)

ORDINANCE # 2022-04

Solid Waste

Section

General Provisions

- 24.0 Purpose
- 24.1 Definitions
- 24.2 Town Administrator
- 24.3 Disposal of Refuse in Town Limits by Nonresident Prohibited
- 24.4 Prohibited Disposal of Wastes
- 24.5 Transportation of Refuse
- 24.6 Depositing Debris in Catch Basins, Manholes, or Drains

Refuse Collection Service

- 24.10 *Reserved*
- 24.11 Collection Practices
- 24.12 Containers for Refuse; Regulations
- 24.13 Storage of Refuse
- 24.14 Pre-collection Practices
- 24.15 Point of Collection
- 24.16 *Reserved*
- 24.17 Yard Waste Collection Practices
- 24.18 Wastes the Town Will Not Collect
- 24.19 Recycling Service
- 24.20 *Reserved*
- 24.21 Collection of Disposal Fees

Hazardous and Industrial Wastes

- 24.26 Hazardous Materials
- 24.27 Industrial Wastes

Penalties

- 24.30 Penalty

GENERAL PROVISIONS

§ 24.0 PURPOSE

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 Town. Whenever this article conflicts with any other portion of the Town code, this article shall prevail with respect to any matters relating to solid waste services.

§ 24.1 DEFINITIONS

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

Animal and Agricultural Wastes. Principally, the manure and crop residue from various agricultural pursuits including dairying and raising of livestock and poultry. Animal waste also includes, in addition to items mentioned above, wastes from stables, kennels, pet pens, chicken coops, veterinary establishments, and the like.

Ashes. The residue from the burning of wood, coal, coke, and other combustible material in homes, stores, institutions and small industrial establishments for the purposes of heating, cooking, and disposing of combustible waste materials. Ashes shall contain no live embers or other burning materials.

Building Rubbish. Any materials or other substances accumulated as a result of repairs or additions to existing building, construction of new buildings, demolition of existing buildings, or moving of buildings, including but not limited to bricks, stone, concrete, wood, lumber, siding, shingles of any type, and the like. Also referred to as construction material.

Commercial Parcel (Property). Commercial parcels are where the primary use of the parcel is non-residential, such as a retail establishment, offices, flex-space, warehousing and/or restaurants. Churches shall also be classified as Commercial, as are multi-family parcels containing 6 or more units.

Contracted Services (Yard Waste). Any tree or shrubbery trimming resulting from work performed by landscaping or tree service contractors or other commercial workers, including, but not limited to land clearing work. This shall also apply to any job performed by anyone, including friends, family or neighbors for pay and also including the owner or resident of the property, that is of such scale that heavy equipment as used by contractors is needed to complete the work.

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

Hazardous Waste. Any waste accumulation meeting the definitions as spelled out in 40 CFR 261.3.

Household Hazardous Waste. (HHW) Hazardous refuse generated in normal residential activities, and may consist of items such as paints and thinners, pesticides, herbicides, cleaners, batteries, electronic waste, etc.

Household Trash. Any waste accumulation of paper, sweepings, dust, rags, bottles, cans, or other matter of any kinds, other than garbage, which is usually attendant to housekeeping

Household or Residential Bulk Items. Items generated from single-family residential units such as home furnishings, mattresses, etc., also see White Goods.

Industrial Waste. All waste, including solids, semi- solids, sludge and liquids, created by factories, processing plants, or manufacturing enterprises.

Junk. Any item, including but not limited to, dilapidated furniture, appliances, machinery, equipment, building materials, automobile parts, tires, or other items which are either in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition.

Litter. An illegally discarded man-made material including but not limited to, building materials, business trash,

garbage, household trash, industrial waste, refuse, and other solid wastes.

Multi-Residential Unit. Any duplex, apartment, group of apartments or condominiums, or housing units designed for or occupied by more than one family, not to exceed 5 units or a single site. Complexes containing six (6) or more units must privately contract for dumpster service.

Normal Use (Roll out Container), Residential. Placement of any variety of both combustible and noncombustible solid waste materials from households, including such items as plastic, wastepaper, rags, sweepings, and similar

Parcel. A separate, distinct section of land with its own Tax ID number in the county tax system.

Private Property. Property owned by any person, not a political entity, including but not limited to yards, grounds, driveways, entrances of passageways, parking areas, storage areas, vacant land, and bodies of water, including sidewalks, grass strips, one-half of alleys, curbs, or rights-of-way up to the edge of the pavement of any public street

Recyclable Material. Newspapers, magazines, steel and aluminum cans and plastic drink bottles or other such material as designated by the Administrator.

Refuse. Solid waste accumulations consisting of garbage, household trash, yard trash, or business trash.

Roll Cart. A plastic, mobile, top-loading, residential refuse container of 96-gallon capacity compatible to the Town's collection equipment. Sometimes called a rollout.

Single Residential Unit. Any dwelling place designed for or occupied by one family.

Town Administrator. The Town Administrator for the Town of Weddington or her designee.

White Goods. Residential appliances such as washers, dryers, stoves, window A/C units, and similar items.

Yard Waste. Accumulation of lawn, grass, or shrubbery cuttings or clippings, bushes, limbs, and dry leaf rakings free of dirt, rocks, large branches, and bulky or non-combustible material.

§ 24.2 TOWN ADMINISTRATOR

The Town Administrator shall be responsible for the implementation of this section. Any decision of the Town Administrator shall be final.

§ 24.3 DISPOSAL OF REFUSE IN TOWN LIMITS BY NONRESIDENT PROHIBITED.

- A. It shall be unlawful for any person, firm, or a corporation not a resident of the Town to bring trash, refuse, rubbish, or other forms of waste into the Town and to discard it or to deposit it for collection by the Town. An example of a violation of this section is a person who owns or is employed by a business within the Town limits, but who lives outside the Town limits, bringing his household garbage into the Town and depositing it or otherwise leaving it for collection by the Town.
- B. Ownership of trash, refuse, rubbish, or other forms of waste, including designated recyclable material, set out or placed in receptacles for collection by the Town shall be vested in the Town.

§ 24.4 PROHIBITED DISPOSAL OF WASTES.

A. Prohibited disposal of wastes generally.

1. It shall be unlawful for any person to dump, throw, or otherwise deposit upon any Town street or sidewalk, or in any public place not designated for such purposes, any scrap paper, bottles, cans, glass, rags, feathers, building material scraps, tree and shrubbery trimmings, liquid wastes, lubricating or fuel oil, flammable or combustible wastes or any other trash, refuse, or debris. G.S. § 14-399.

2. It shall be unlawful for any person to obstruct or cause to be obstructed the free flow of water in, over, along, upon, or through any drainage way in any public street or other public way, or in any creek, stream, or other natural drainage course within the Town limits by depositing any trash, refuse, tree, or shrubbery trimmings, building material scraps, or other matter therein.
3. It shall be unlawful for any person to dump, deposit, or cause any gasoline, fuel oil, or other flammable liquid, or any wastes containing a toxic or poisonous substance, or any lubricating oil, grease or detergent, to drain into any drainage ditch, street gutter, culvert, or other drainage way in any public street or other public way or in any creek, stream, or other natural drainage course within the Town limits (See Unified Development Ordinance, Appendix 8-Stormwater). It shall also be illegal to place any type of lubricating oil, or other above-named materials in any container provided by the Town for garbage pickup. All lubricating oils should be taken to recycling centers.
4. No person shall throw, drop, or deposit, or cause to be thrown, dropped, or deposited on any land in the Town (vacant or occupied), including specifically streets, alleys, sidewalks, or other public and semi-public areas, or in any waters under jurisdiction of the Town, any wastes (including but not limited to refuse, garbage, ashes, rubbish, dead animals or fish, paper, drinking cups, broken glass, tacks, brush, grass, weeds, and anything injurious to health). If any person, while transporting or hauling, or causing to be transported or hauled such rubbish, material, earth excavation, coal, or other materials, shall throw, drop, or deposit, or cause to be thrown, dropped, or deposited, such rubbish or material from the body of a vehicle, in violation of the provisions of this section, such persons must daily clean up and remove such rubbish or material in a manner satisfactory to the Town Administrator or designee, failing which, the Town may clean up and remove such rubbish and material, and the Town may collect the cost of such cleaning up and removal from such persons.

B. Waste matter subject to scattering. It shall be unlawful for any person to deposit or permit to accumulate any waste matter or refuse of any description which is subject to scattering by animals or the elements of nature on that part of any property which is adjacent to a street or public place.

§ 24.5 TRANSPORTATION OF REFUSE.

No garbage, kitchen waste, or refuse shall be transported through the Town streets except in watertight metal containers with tight fitting covers. All other loads must be covered.

§ 24.6 DEPOSITING DEBRIS IN CATCH BASINS, MANHOLES, OR DRAINS.

No person shall throw, drop, or deposit grass clippings, leaves, shrubs, or any other debris into any catch basin, manhole, or drainage ditch or structure in the Town. (See Unified Development Ordinance, Appendix 8-Stormwater)

REFUSE COLLECTION SERVICE

§ 24.10 *Reserved*

§ 24A.11 COLLECTION PRACTICES.

- A. Except as otherwise provided in this sub chapter and except in the case of emergency arising from an act of God or other circumstances over which the Town has no control, the Town or its contractor will attempt to collect, remove, and dispose of certain refuse in residential sections of the Town once per week. In the event of inclement weather events, such as ice or snow, schedules may be adjusted as conditions and safety factors warrant. Schedule updates will be posted on the Town Web Site.
- B. Industrial waste shall be collected, removed, and disposed of by the operator of the factory, plant, or

enterprise creating or causing the same in accordance with applicable provisions of this code. Industrial Waste will not be collected by the Town.

- C. Building rubbish, including items from large scale inside work, carpet, padding, and the like, shall be collected, removed, and disposed of by the contractor or person constructing, repairing, or demolishing any building, or in their failure to do so, by the owner of the property. Building rubbish shall not be collected by the Town.
- D. No refuse shall be collected where refuse receptacles cannot be serviced by sanitation personnel without unlocking, opening, or reaching over a door, gate, or similar obstacle, encountering a porch, carport, or garage, encountering a dog, or otherwise being denied reasonable access by parked vehicles, yard tools, equipment, or similar object. Generally, roll out carts and recycling containers must be placed at curbside for collection.
- E. Once a collection route is established, any changes shall be advertised on the Town Website at least 45 days before such changes become effective; provided, that such notice may be given by other means and within a lesser period of time in cases of emergency. At least one notice shall be mailed directly to each resident that is to be affected by the change.

§ 24.12 CONTAINERS FOR REFUSE; REGULATIONS

- A. Every person owning or occupying a single and/or multi-family residential unit shall store all garbage and refuse in containers, as specified herein, so as to eliminate wind driven debris and unsightly litter in and about their premises.
- B. Each single-family unit shall use one 96-gallon rollout container, so long as the containers are provided by the Town or its contractors. Additional containers, if needed, may be obtained, when supplies permit, by the payment of the monthly contract fee for residential service times the number of extra containers. Additional containers shall be limited to two. Each container will be and remain the property of the Town or its contractor. Except by the Town or its contractor, the container shall not be moved from the residence where assigned.
- C. Containers shall be used for the purpose of holding regular household type refuse. No items such as sticks, yard clippings, leaves, and the like may be placed in rollout containers used for garbage.
- D. Stones, bricks, iron items, and the like shall not be placed in the containers.
- E. The Town will be responsible for repairing or replacing containers only for normal wear and tear. All other damage to the containers may be assessed against the property owner and/or tenant of the property. This policy shall also apply to missing containers. Residents should call the Town's contractor when rollout carts need repairs.
- F. Residents are required to clean rollout containers when needed to keep down odor and insects.
- G. All solid waste, yard waste, recycling and bulk waste, which is properly placed at curbside for collection, is deemed to be abandoned and becomes the property of the Town or its agents.
- H. The Town may refuse to collect the following types of solid wastes, and it shall be unlawful for any person to place any of the following in any container or receptacle for collection by the Town:
 - 1. Hazardous waste, refuse and industrial waste. All such refuse shall be stored in suitable leak proof containers that will ensure that no such refuse or wastes leak or spill onto any public or private property. It shall be the responsibility of the person in possession of the premises to see that it is disposed of properly.
 - 2. Animal and agricultural Waste.

3. Oils, lubricants or any other type matter that may damage the container, cause it to leak, erode wheel parts, or violate any state or federal disposal laws.
4. Contagious disease refuses. The removal of clothing, bedding, or other refuse from homes or the places where highly infectious diseases have occurred shall be performed under the supervisor and direction of the County Health Department.
5. Materials defined as biohazards.
6. Materials of any kind or nature, including ashes, that contains any hot or live coals or fire.
7. Raw or uncooked seafood or meats unless tightly wrapped in plastic bags.
8. Hypodermic needles and/or any other sharp object.
9. Paints, thinners and other such HHW items. Latex paint may be disposed of but must be dried first and not be in a liquid state.
10. Computer parts, TVs and other electronic equipment.
11. Building rubbish
12. Tires, automobile wheels and other auto parts
13. Any other items that are banned from disposal in the Landfill, or in the opinion of Town should not be collected.

After warning, violations of this section may result in penalties as spelled out in this chapter.

§ 24.13 STORAGE OF REFUSE.

- A. Each owner and every occupant or other person in control of any building or land in the Town, including vacant property, shall keep the same in a clean and orderly condition and shall deposit refuse for collection in accordance with the provisions of this sub chapter and the regulations of the Town. All refuse shall be stored in containers complying with this code.
- B. Persons occupying business buildings shall store cardboard boxes inside the building unless stored in automatic containers.

§ 24A.14 PRE-COLLECTION PRACTICES.

Occupants, whether owners or tenants, of single and multi-family residential units requiring a rollout cart in which to store their refuse shall adhere to the following collection practices:

- A. Garbage and general rubbish shall be stored only in receptacles approved by 24.12 of this chapter and such receptacles shall be covered at all times.
- B. All dangerous trash items such as broken glass, light bulbs, and the like, shall be securely wrapped to prevent injury to collection crews. Boxes should be broken down prior to collection.
- C. All garbage and refuse shall have liquid drained before it is placed in the container for collection.
- D. All garbage shall be placed in plastic bags and tied securely.

§ 24.15 POINT OF COLLECTION.

- A. Time of Collection. Garbage and recycling containers when set out for collection shall be placed at a location designated by the Town or its contractor more than 24 hours before the time set for collection and no later than 7:00 a.m. the day of collection and the containers shall be returned to the principal structure prior to 9:00 p.m. on the date of collection.
- B. Carts shall be placed along the curb or edge of pavement three feet apart and at least three feet from all structures.
- C. Disabled Provisions. In the event a resident is physically unable to place the cart at the curbside. The resident may request and receive backyard pick-up for 30 days without getting a doctor's certification. At the end of 30 days, if they want to continue with backyard pick-up, they must submit a doctor's certification.
- D. Street Litter Containers. Businesses shall not use street litter containers for the disposal of business-generated trash.
- E. Household Bulk Items. A list of items eligible for pickup and the cost for that pickup is listed on the Town's website.
- F. Appliances (White Goods). A list of items eligible for pickup and the cost for that pick-up is listed on the Town's website.

§24.17 YARD WASTE COLLECTION PRACTICES.

Yard waste services may be available to single-family residences by request to the Town's contractor and for an additional fee. Services are not provided to commercial locations. Town house type developments with master landscape contracts shall be responsible for disposal of their yard waste generated either by contractors or individual residences. Tree, hedge, and shrubbery trimmings shall be placed at the curb for collection in accordance with the following guidelines:

- A. Limbs and brush smaller than 12 inches in diameter, must be cut not to exceed five feet in length.
- B. Tree and shrubbery limbs shall have protruding branches or limbs trimmed off. Small limbs of a size that might be blown about and scattered by the elements, shall be effectively tied so as to avoid wind driven debris and unsightly litter condition. Thorny vegetation shall be placed near the curb in small, neat piles.
- C. Collection of tree and shrubbery trimmings shall be limited to amount one-man can collect per week per residence in 20 minutes. Additional service may be approved by the Administrator upon request, for unusual circumstances.
- D. Tree limbs should be separated from smaller shrubbery trimmings and all yard waste shall be put in piles separate from other general debris.
- E. Limbs and cuttings must be placed with butt or cut ends toward the street or public alley and must be of the size that can be handled by one person.
- F. The Town shall not collect, remove, or assist in the removal of tree stumps, small logs, tree trunks, heavy grass, or dirt resulting from the clearing of any property of any kind. It shall be unlawful for any person to place or deposit any such item at curb side at any time.
- G. Leaves and grass clippings must be placed in clear plastic bags or open receptacles. Bags that are not clear must be left open for inspection by the driver.
- H. Yard waste shall not be mixed with any other garbage or trash. Yard waste found to be mixed will not be collected until it has been separated and after warning, additional violations may result on penalties as spelled out in this Chapter.

- I. In the event of a declared disaster these limitations may be temporary suspended at the direction of the Town.

§ 24.19 RECYCLING SERVICE.

The Town, at its discretion, may provide residential recycling service. Items subject to recycling shall be placed in bins as provided by the Town or its contractor and placed at curbside on designated collection days. A list of items available for recycling will be maintained on the Town's website and may be changed from time to time with notice in the Town Newsletter and Website.

- A. Each single-family unit shall use one 96-gallon rollout container provided by the Town or its contractors. Additional containers, if needed, may be obtained, when supplies permit, by the payment of a one-time fee calculated as the product of the monthly charge per household per month, times twelve, times the number of extra containers. Additional containers shall be limited to two. Each container will be assigned by the Town and will remain the property of the Town or its contractor. Except by the Town or its contractor, the container shall not be moved from the residence where assigned.
- B. Glass recycling. The Town may provide glass recycling services. If such service is provided, each single-family unit shall be provided with a 42-gallon rollout container. Each container will be assigned by the Town and will remain the property of the Town or its contractor. Except by the Town or its contractor the container shall not be moved from the residence where assigned.
- C. Recycling shall not be mixed with any other garbage, trash or yard waste. recycling found to be mixed will not be collected until it has been separated and after warning, additional violations may result on penalties as spelled out in this Chapter.

§ 24.20 Reserved.

§ 24.21 COLLECTION OF DISPOSAL FEES.

The Town Council may establish and revise charges and other fees as necessary, to cover the costs of sanitation and disposal services within the Town, including recycling, bulk items, household hazardous waste, white goods and yard waste services.

HAZARDOUS AND INDUSTRIAL WASTES

§ 24.26 HAZARDOUS MATERIALS.

It shall be unlawful to place any hazardous refuse, as defined in 24A.01 of this chapter, in any receptacle used for collection by the Town. It shall be unlawful to place in any container, at curbside, or in any catch basin, manhole, or drainage ditch, or structure, any materials considered to be hazardous refuse by the U.S. EPA or by any other responsible agency. The Town, at its discretion, may conduct household hazardous waste collections annually.

§ 24.27 INDUSTRIAL WASTES.

The Town shall not collect any type industrial waste, weather solid, liquid, hazardous, or highly combustible. It shall be unlawful to place industrial waste in any container or receptacle for collection by the Town. Industrial waste shall be collected, removed, and disposed of by the operator of the factory or industry, or business creating the same.

PENALTIES

§ 24.30 PENALTY

- A. A civil penalty of \$25. for the first violation shall be assessed. A second violation of this Chapter shall result in a \$50 civil penalty, and a third and all subsequent violations shall result in a civil penalty of \$100 per

violation.

- B. The Town Administrator or his designee, shall be authorized to issue to persons violating the terms of this ordinance a civil citation in the amounts shown in Section (A) above. Any person to whom a citation has been issued may appeal to the Town Council, whose decision shall be final. Civil penalties shall be paid within ten business days of the issuance, unless appealed. Failure to appeal in ten business days shall result in an additional late penalty of \$25. Penalties shall be collected in the form of a debt.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF WEDDINGTON on this 14th day of November 2022.

TOWN OF WEDDINGTON

Attest:



Karen Dewey, Town Administrator/Clerk



D. Craig Horn, Mayor

Approved as to Form



Karen Wolter, Town Attorney

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**TOWN OF WEDDINGTON
RESIDENTIAL SOLID WASTE FEE ORDINANCE**

WHEREAS, North Carolina General Statutes, Chapter 160A-314.1 authorizes towns to impose fees for the collection and disposal of solid waste and to bill such fees with property taxes; and

WHEREAS, the Town Council of the Town of Weddington seeks to impose a Residential Solid Waste Fee for the fiscal year beginning July 1, 2022, and of each year thereafter for each successive fiscal year for which the Fee is imposed, on all residences located in the Town of Weddington on January 1 of each current year, by including the same in its Budget Ordinance; and

WHEREAS, the Town Council of the Town of Weddington has caused this Ordinance to be prepared to specify the administrative details relative to the billing and collection of the Residential Solid Waste Fee; now, therefore,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON that the following Residential Solid Waste Fee Ordinance is hereby adopted.

Section 1. Definitions. The following definitions apply in this Ordinance:

- (a) “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 non- dwelling purposes. The term includes mobile homes, single family, multifamily, 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, town houses, or condominiums. The term does not include hotels, motels, inns, tourist camps, mobile home parks under single ownership, or other similar places.
- (b) “Mobile home” means a dwelling unit that is not constructed in accordance with the standards set forth in the state building code, is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and exceeds 40 feet in length and 8 feet in width. A structure that would otherwise be characterized as a mobile home except that it is not used or held ready for use as a dwelling unit (e.g. is used as an office or some other business use) shall not be regarded as a mobile home.
- (c) “Fee” means the Residential Solid Waste Fee imposed by the Town of Weddington Budget Ordinance which is adopted from time to time.
- (d) “Tax Assessor” means any persons designated by the Town to levy and collect the Fee and administer the terms of this Ordinance.

- (e) "Levy" or "levied" means the act of determining what property is subject to the Fee and the assessment and billing of the Fee by the Tax Assessor.
- (f) "Town Official" means the Town of Weddington Finance Director and any persons designated by him to consider appeals.

Section 2. Relationship to Machinery Act. The Fee 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 Subchapter II, Chapter 105, of the North Carolina General Statutes.

Section 3. Administration. The Town of Weddington Tax Collector will levy and collect the Fee and may promulgate additional rules and regulations necessary for the implementation of this Ordinance not inconsistent with the specific provisions set forth herein.

Section 4. Property Affected. The Fee is imposed upon all property in the Town of Weddington which is a residence. The Fee is imposed on each separate residence.

Section 5. Date as of Which Ownership and Eligibility for Imposition of the Fee is to be Determined. The ownership of property subject to the Fee shall be determined as of January 1, 2022, for the fiscal year beginning July 1, 2022, 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 Fee as of January 1 is destroyed, demolished, 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 Fee. 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 Fee. A residence which is vacant due to being partially completed as of January 1 shall not be subject to the Fee, 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 Fee, provided the residence is occupied or available for occupancy as of July 1.

Section 6. RESERVED

Section 7. Assessment Procedure. The Town of Weddington will advise the Tax Assessor no later than July 1 the amount of the Fee to be levied and which properties the Fee will be levied against. The Tax Assessor shall include the amount of the Fee on the tax bill of the owner of the property as of January 1. The Fee imposed on a residence which is not assessed for property taxes by the Tax Assessor in connection with or as a part of a specific parcel of land shall be billed by the Town as a separate bill to the owner of the residence. Except for the exclusions listed in Section 6, Residences which are exempt from property taxation, but which are subject to the Fee, shall be billed by a separate bill to the owner of the residence.

Section 8. Late Levy of the Fee. If the Tax Assessor fails to levy the Fee on one or more residences during the normal billing period due to inadvertence or other good reason, the Fee may be levied 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 levy shall be deemed to be a Fee for the fiscal year beginning on July 1 of the calendar year in which the Fee is levied.

Section 9. Due Date; Interest for Nonpayment. The Fee is due January 1, 2023, and

September 1 of each successive year for which the Fee is imposed. The Fee is payable at par if paid before January 6 following the opening of the fiscal year. Any portion of the Fee 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 (2.0%); 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 (3/4%) a month or fraction thereof.

Section 10. Appeals. The owner of property upon which a Fee is levied by the Tax Assessor shall have the right to file a notice of exception with the Town Official at any time prior to the date the Fee becomes delinquent, unless the notice of the Fee is mailed less than thirty (30) days prior to the delinquent date, in which event the owner shall have thirty (30) days after the date of mailing in which to file a notice of exception. Upon receipt of a timely exception, the Town Official shall arrange a conference with the owner to afford him an opportunity to present any evidence or argument he may have regarding the Fee and the Town Official shall have the authority to authorize a rebate or refund of the Fee if he concludes the Fee is not owed. Within fifteen (15) days after the conference, the Town Official shall give written notice to the owner of his final decision. In cases in which agreement is not reached, the owner shall have fifteen (15) days from the date the notice is mailed to appeal the Town Official's decision to the Town Council of the Town of Weddington ("Council") for a final decision in accordance with the rules of procedure established by the Council. The Council shall have the right to appoint a special committee consisting of at least two persons from the Council to hear the appeals. Notwithstanding any pending exceptions by the owner to the Town Official or appeal to the Council, the owner shall pay the Fee prior to the date interest accrues, subject to a refund, without interest, if the final appeal is decided in the owner's favor. If a Fee is refunded, the Town of Weddington Finance Director shall issue the refund.

Section 11. Liens. The Fee shall be a lien on real and personal property under the same rules as set forth in N.C.G.S. §105-355, and other sections of The Machinery Act.

Section 12. Remedies for Collection. The Tax Collector shall have the same remedies for collecting the Fee as provided in N.C.G.S. §105-366, 367, 368, 374, and other sections of The Machinery Act.

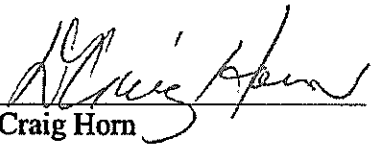
Section 13. Partial Payments. The Tax Collector shall be entitled to collect partial payments of the Fee. If a bill from the Tax Collector includes a combination of property taxes or other assessments with the Fee, the Tax Collector shall apply any partial payments in the order in which such payments are now applied under the hierarchy utilized by the office of the Tax Collector, with the Fee to be applied at the lowest priority of the hierarchy existing as of the date of this Ordinance.

Section 14. Imposition of Fee Against Property Owned and Listed by Multiple Owners. If there are multiple owners of property on which the Fee is imposed and such multiple owners are assessed separately for property taxes, the Fee shall be levied on a ratable basis in accordance with the percentage of interest owned by the multiple owners.

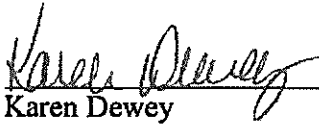
Section 15 Adjustment of Fee. In the event that the Town Council determines that a Fee has been levied against a type or types of residence in an amount which is in excess of the Fee which should have been levied, the Town Council shall have the authority to direct the Town's Finance Director to refund, rebate, or credit an appropriate amount to the affected property owners either in the fiscal year for which the Fee was levied or in the next fiscal year.

Section 16. Effective Date. This Ordinance is effective upon adoption.

ADOPTED this 14th day of November 2022.


Craig Horn
Mayor, Town of Weddington

ATTEST


Karen Dewey
Town Administrator/Clerk, Town of Weddington

APPROVED AS TO FORM:


Karen Wolter, Town Attorney