

## SAMPLE ORDINANCE FOR MULTI-FAMILY RECYCLING

AN ORDINANCE OF THE (MUNICIPALITY NAME) IN THE COUNTY OF WAKE, STATE OF NORTH CAROLINA, PROVIDING SPACE FOR MULTI-FAMILY SOURCE SEPARATED RECYCLABLES;

WHEREAS, (municipality) and Wake County must comply with the Solid Waste Management Act of 1989, and, in particular, develop programs to assist in achieving the forty percent (40%) waste reduction goal as set forth in N.C.G.S. §130A-309.04 (c)(2) ; and

WHEREAS, recycling by multi-family residential communities will assist in enabling (municipality) and the County to comply with the goals and objectives of the State of North Carolina, Solid Waste Management Act of 1989; and

WHEREAS, a local survey revealed seventy percent (70%) of multi-family residents previously recycled and would support convenient, on-site recycling programs;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF (MUNICIPALITY), NORTH CAROLINA, AS FOLLOWS:

SECTION I. Purpose. The purpose of this ordinance is to ensure that new multi-family construction incorporates functional and adequate space for efficient, on-site collection of source separated recyclables prior to pick-up and removal by waste haulers.

SECTION II. Definitions. The following definitions shall apply to standards dealing with this ordinance and not to other chapters of local government development codes:

- A. Exterior storage- Any outside area, including pad, privacy fence or screen, designated for the collection and storage of solid waste which has been consolidated from individual multi-family dwellings, and prior to removal by a waste hauler;
- B. Interior storage - Any designated space in individual multi-family dwellings for the storage of recyclable materials prior to consolidation in exterior storage areas;
- C. Multi-family dwelling- A building designed, constructed, or reconstructed and used for three (3) or more dwelling units that are located on a single lot, with each dwelling unit being connected by means of a common structural or load-bearing wall, or by means of a floor to ceiling connection, of at least ten (10) linear feet, with any dwelling unit in the same building;
- D. Recycling- The process by which solid waste or recovered materials are collected, separated, or processed, and reused or returned to use in the form of raw materials or products;
- E. Solid Waste- Any garbage or refuse that is either discarded or is being accumulated, stored or treated prior to being discarded, including solid, liquid, semisolid or contained gaseous material except those exclusions found in Federal and State Acts or Statutes;

F. Source Separated Recyclables- Metal, paper, glass, plastic, or corrugated cardboard that have known recycling potential, can be feasibly recycled, and have been diverted or removed from the solid waste stream for sale, use or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal;

G. Storage Area- Space necessary for the temporary storage of solid waste or source separated recyclables that accumulate while awaiting collection;

SECTION III. New multi-family community construction.

1. Effective within one hundred and eighty days (180) from the adoption of this ordinance, every new multi-family community site plan, shall provide for both interior (individual multi-family units) and exterior storage and collection of source separated recyclables.

2. Minimum space requirements are as follows:

a. Interior-recyclable storage should be no smaller than 2 feet X 1.5 feet and in close proximity to areas used to store residual solid waste;

b. Exterior-solid waste storage areas shall contain, at a minimum, ten (10) additional feet of width than required solely for solid waste containers.

3. The exterior storage area:

a. shall be co-located with all storage areas for residual mixed solid waste and be clearly designated with signs for source separated recyclables;

b. shall be located in central and visible locations to enhance security for users;

c. can be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage;

d. shall be appropriately screened according to the provisions in (reference appropriate ordinance);

e. shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicular traffic movement on the site or on public streets adjacent to the site; and

f. shall comply with the Americans with Disabilities Act.

4. In designing the exterior storage area, materials chosen for recycling shall include, at a minimum, the five (5) primary materials listed below:

- a. newspapers;
- b. glass bottles and jars (clear, green, and brown);
- c. aluminum beverage cans;
- d. plastic milk and soda containers; and
- e. corrugated cardboard.

5. The failure of a developer submitting a site plan that does not include provisions for recycling shall result in the plans being returned for re-work and re-submission. If the re-submitted plans still do not allot space for recycling, such omission shall constitute a violation of this ordinance.

SECTION IV. Jurisdiction. The provisions of this Ordinance shall apply to the incorporated and unincorporated planning jurisdictions of (municipality).

SECTION V. Penalties. (Insert own or use sample attached).

SECTION VI. Severability. If any portion of this ordinance shall, for any reason, be held invalid or unconstitutional by a court of competent jurisdiction, then that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions.

SECTION VII. Effective Date. A certified copy of this Ordinance shall be filed in the Office of Town Clerk within ten days (10) after enactment and this Ordinance shall take effect upon receipt by said Clerk.

ADOPTED BY THE (MUNICIPALITY) CITY COUNCIL, (MUNICIPALITY) NORTH CAROLINA IN OPEN MEETING DULY ASSEMBLED IN THE COUNCIL CHAMBER ON THIS (DATE) DAY OF (MONTH), 1995.

## PENALTY SUGGESTIONS FOR MULTI-FAMILY ORDINANCE NON-COMPLIANCE

Violations by any provision of this ordinance shall be punishable as a misdemeanor pursuant to N.C.G.S. § 14-4 (a). The fine to be imposed may exceed fifty dollars (\$50.00) but shall be no more than five hundred dollars (\$500.00).

Officials charged with the enforcement of this ordinance may institute a civil action for injunctive relief to restrain any actual or treated violations of this ordinance. The action may be brought in the District Court of Wake County.

This ordinance may also be enforced by any other remedy available under Article 9 of Chapter 130A of the North Carolina General Statutes, as amended from time to time, and such remedy is incorporated herein by reference.