

**AN ORDINANCE AMENDING CHAPTER 44 ARTICLE II OF THE
CODE OF ORDINANCES PERTAINING TO COLLECTION AND DISPOSAL OF
SOLID WASTE**

WHEREAS, the City of Hendersonville is organized in part to protect the health and safety of its residents, and

WHEREAS, the City recognizes that requiring certain procedures in connection with the disposal of certain solid waste will benefit the general health and safety,

NOW, THEREFORE, be it ordained by the City Council of the City of Hendersonville: SECTION 1. Chapter 44 Article II of the Hendersonville Code of Ordinances is hereby amended as follows:

Sec. 44-43. Preparation and storage of residential refuse for collection. It shall be the duty of the occupant or owner of any premises to keep all refuse pending collection and disposal as follows:

(1) ~~Garbage shall be free from liquid. Garbage containing liquid shall be placed in watertight paper or plastic bags~~ Garbage and rubbish. All garbage and rubbish shall be bagged using garbage bags of 0.75 mil thickness or greater and the tops secured and placed in an approved refuse receptacle. Receptacles adequate to hold the refuse normally accumulating between scheduled removals shall be provided on each premises. All garbage and rubbish shall be free of liquid. Garbage and rubbish containing liquid shall be placed in watertight paper or plastic garbage bags of 0.75 mil thickness or greater and tops secured and placed in an approved refuse receptacle.

Sec. 44-44. Preparation and storage of commercial and multiple dwelling refuse for collection.

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(d) Garbage and rubbish. All garbage and rubbish shall be bagged using garbage bags of 0.75 mil thickness or greater and tops secured and placed in an approved refuse receptacle. Receptacles adequate to hold the refuse normally accumulating between scheduled removals shall be provided on each premises or adjacent to each premise. All garbage and rubbish shall be free of liquid. Garbage and rubbish containing liquid shall be placed in watertight paper or plastic garbage bags of 0.75 mil thickness or greater with the tops secured prior to placing in bulk containers or receptacles.

Sec. 44-47. - Dead animals.

Dead animals (other than dogs and house pets) will not be collected, and dead dogs and house pets will be collected only from curbsides and public rights-of-way. Dead house pets shall be triple bagged using 0.75 mil thickness garbage bags or greater ~~in~~ plastic bags and placed at the curb or in an approved receptacle. They will be collected on an on-call basis to the sanitation department. Large dead animals shall be disposed of by the individual concerned (animal owner or property owner) as the city has no responsibility to supply service for the removal and disposal of large dead animals.

SECTION 2. SEVERABILITY. If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its adoption. Adopted this fourth day of February 2016.

Barbara G. Volk, Mayor

Attest:

Tammie K. Drake, MMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

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