

19A NCAC 02D .0414 LOCATION OF GARBAGE COLLECTION CONTAINERS

- (a) An encroachment agreement between the Department and non-Departmental parties shall be required for a garbage collection container site on any State highway rights-of-way.
- (b) No garbage collection container shall be located within 500 feet of an occupied dwelling unless the applicant obtains written permission from the owner of the dwelling.
- (c) Information on initiating the encroachment agreement process for the placement of garbage collection containers on any State highway rights-of-way may be obtained from the State Utilities Manager.
- (d) Guidelines for container sites are as follows:
 - (1) the county or municipality negotiating and executing the encroachment agreement shall be responsible for any work to be performed in preparation of the site, and any work performed by the Department, on the site, shall be on a reimbursable basis; and
 - (2) container sites adjacent to unpaved roads shall be prepared with materials similar to those existing on the traveled portion of the roadway.
- (e) If container sites are located adjacent to the roadway, sight distances shall be provided for any vehicle to safely enter the road from the container site.
- (f) Container sites shall be permitted adjacent to roadways only if lateral clearances can be provided from the edge of pavement to the container.
- (g) The county or municipality that holds an executed agreement for the placement of garbage collection containers, as set forth in this Rule, shall maintain a collection schedule in order to prevent container spillage or overflow, and shall keep the site free from all garbage and trash, other than that which is within the garbage collection containers. Garbage and trash collection located within the garbage collection containers shall be authorized by the encroachment agreement. The encroachment agreement shall provide that the District Engineers shall give written notice to the county or municipality of any failure to comply with this requirement. The encroachment agreement shall also provide that, if a county or municipality that is so notified and does not bring the site within compliance of the requirement within 30 days of receipt of the written notice, the encroachment agreement shall automatically terminate, and the District Engineer shall arrange for the disposal of the garbage collection containers.

*History Note: Authority G.S. 136-18.3; 136-18(10);
Legislative Objection [(a)] Lodged Eff. August 19, 1980;
Legislative Objection [(a)] Removed Eff. April 23, 1981;
Eff. July 1, 1978;
Amended Eff. March 1, 2013; November 1, 1993; October 1, 1991; April 3, 1981; April 11, 1980;
Readopted Eff. June 1, 2019.*