
ORDINANCE NO. 2026-_____

**AN ORDINANCE TO AMEND VARIOUS SECTIONS
OF APEX TOWN CODE**

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX AS FOLLOWS:

Section 1. Article V of Chapter 12 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as strikethrough text:

Sec. 12-134. Definitions.

For the purposes of this article, the following definitions apply:

Curbside means along **or behind** the concrete curb or edge of pavement located within the town right-of-way.

Public works ~~and transportation~~ director means the public works ~~and transportation~~ director of the town or designee of same.

~~Environmental programs manager~~ means ~~the town employee who manages the environmental programs division or designee of same.~~

Land clearing debris means solid waste which is generated solely from land clearing activities including, but not limited to, stumps, trees, brush and other vegetative waste incidental to tree, brush and stump removal.

Ordinance means the ordinances of the Town of Apex, North Carolina.

Small limbs means tree limbs that are less than ~~eight~~ **six** feet in length and ~~a maximum~~ **less than** diameter of ~~eight~~ **six** inches **in diameter**.

Town means the Town of Apex, a North Carolina Municipal Corporation.

Yard waste means solid waste consisting of vegetative matter resulting from residential landscaping maintenance including, but not limited to, leaves, grass clippings, twigs, small limbs, hedge trimmings, plant trimmings, hay straw, pine straw, pine cones and small shrubs.

Sec. 12-135. Administration and enforcement.

The collection of yard waste in the town ~~shall be under the jurisdiction of the environmental programs manager~~ and enforcement of the provisions of this article shall be under

the jurisdiction of the public works and transportation director. **Yard waste not prepared and handled in accordance with the provisions of this article shall not be collected by the town. Violation of this Article is subject to additional enforcement measures in accordance with section 12-142.**

Sec. 12-136. Pre-collection practices.

- (a) Yard waste shall be placed loose (not bagged or containerized) at curbside for collection by the town. Leaves and grass clippings must be separated from, **and not commingled with,** other qualifying yard waste materials. **Leaves, pine straw, and grass clippings are collected by a vacuum and therefore must be free from other yard waste materials, rocks, and any inorganic material.**
- (b) Yard waste to be collected by the town shall not be **commingled with** contaminated by materials that are not included in the definition of yard waste provided above.
- (c) Yard waste shall not be placed at curbside more than 48 hours in advance of the collection date **during regular collection. During seasonal zone collection, the collection date shall be considered Monday for each customer in the zone which is being collected that week.**
- (d) Yard waste shall not be placed at curbside within ten feet **upstream** of any storm drain catch basin **and shall be placed in compliance with Section 12-202.**
- (e) **Where practicable, yard waste shall not be placed at curbside adjacent to any property other than the property from which it was harvested, further than three (3) feet behind the curb, within ten (10) feet of side property lines, or within six (6) feet of any obstacles, including but not limited to, vehicles, mailboxes, and fire hydrants.** ~~Town residents desiring Christmas tree collection by the town shall place their Christmas tree curbside. All tinsel, nails, screws, wires, ribbon and other nonvegetative materials shall be removed from the Christmas tree by the resident prior to collection. Wreaths may be set out by residents for collection provided that the wreaths are free from wire, screws, metal frames, and all other nonvegetative material.~~
- (f) **Town residents desiring Christmas tree collection by the town shall place their Christmas tree curbside during the months of December or January. All tinsel,**

nails, screws, wires, ribbon and other nonvegetative materials shall be removed from the Christmas tree by the resident prior to collection. Wreaths may be set out by residents for collection provided that the wreaths are free from wire, screws, metal frames, and all other nonvegetative material. A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

- (g) Where practicable, yard waste shall not be blown, placed, or allowed to be placed upon travel lanes, parking spaces, sidewalks, or curb ramps.**
- (h) Small limbs, twigs, trimmings, and straw produced by routine yard maintenance shall be placed in piles at curbside with cut ends facing in the direction of travel.**
- (i) The town will collect a maximum of two cubic yards of yard waste and small limbs per residential customer per collection cycle at no charge. For yard waste and small limbs exceeding two cubic yards, a separate fee will be charged in accordance with section 12-137(e) and the town Fee Schedule.**

Sec. 12-137. Limitations on service.

- (a) Yard waste collection will be provided by the town on a weekly basis year round. **Seasonal collection for peak leaf season is identified as November through January.**
- (b) Curbside yard waste collection service shall be provided only to residents **within** ~~who~~ are annexed into the town corporate limits **who receive individual residential trash and recycling services through the town.** This service will not be provided to **multi-family,** institutional, business, commercial or industrial properties. **For the purposes of this ordinance, multi-family shall include apartments and condominiums.**
- (c) Yard waste collection service, **including special collection for excess yard waste,** does not include the collection of land clearing debris, **dirt, root balls, loose soil, plants or grasses containing soil, sod, mulch, concrete, rocks, construction debris, pallets, trash, plastic, pet waste, lumber, or mailbox posts.**
- (d) Residential yard waste generated from commercial landscaping, **tree service,** or other businesses **commercial entities or contractors will not be collected by the town.** ~~shall be left at the original project site to be collected by the town, or properly~~

disposed of by the contractor in accordance with all applicable local ordinances, state and federal rules and regulations. **Residential customers are responsible for yard waste generated from their property and shall ensure that any private contractors doing work on their property are aware of this article and its requirements that contractors properly dispose of any waste off-site.** ~~Town~~ employees will not collect yard waste generated from one property and disposed at another. **The town will not collect any limbs cut by a landscaping or tree service contractor.**

(e) **Collection of yard waste and small limbs in excess of the volume limitations set forth in section 12-136(h) is considered excess yard waste and may be collected by the town for a fee. Fees for excess yard waste collection are set forth in the current Town of Apex Fee Schedule. Each residential customer may schedule up to five (5) excess yard waste collections per collection cycle. Excess yard waste collection must be scheduled through the public works department, and the applicable fees will be invoiced on the customer's utility bill.** ~~Yard waste not prepared and handled in accordance with the provisions of this article shall not be collected by the town.~~

(f) **Yard waste not prepared and handled in accordance with the provisions of this article shall not be collected by the town.**

Sec. 12-138. Disposal of yard waste.

- (a) All yard waste shall be disposed of in accordance with all applicable local ordinances and state and federal rules and regulations.
- (b) Open burning of yard waste is prohibited.
- (c) ~~A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.~~

Sec. 12-139. Right of entry Reserved.

~~The environmental programs manager, public works and transportation director, chief of police, the county health officer or any assistants of same, shall have the right to enter at any reasonable time any premises for the purposes of making any inspections or investigations to insure the health, welfare and safety of the public.~~

Sec. 12-142. Reserved Enforcement procedure.

- (a) Any person, who is the owner, occupant, tenant, or otherwise has any possessory control of any premises, building, or land in the town, including vacant property, who violates any provision contained in this article shall be subject to an initial warning for the first violation. When a designated employee of the town finds a violation of any provision of this article, the person in violation shall be notified by registered or certified mail, by the posting of a notice on the front door, or by hand delivery to such person. Such person shall be required to remedy the violation within the time stated in the notice which shall not exceed seven (7) days, or else be subject to an abatement action as set out below. If the violation has been determined by the town to be a potential hazard to the public health, safety or welfare, the person shall be required to correct the violation immediately.**
- (b) Pursuant to NCGS §160A-175, any person, who is the owner, occupant, tenant, or otherwise has any possessory control of any premises, building, or land in the town, including vacant property, who refuses or fails to remedy the violation within seven (7) days of the notice, the town may proceed to remove the yard waste and/or other materials constituting the violation, and the person in violation shall be subject to the cost of removal thereof, plus an administrative fee of one hundred dollars (\$100.00).**
- (c) No notice and compliance period shall be required for second violations or any subsequent violations thereafter of any provision of this article within twelve months of the date of the notice for the first violation. Such person may be subject to an abatement action and fees as provided in subsection (b) of this section.**
- (d) Pursuant to NCGS §160A-175, if a person fails to pay the costs of removal and administrative fee within thirty (30) days after being notified of the amount due, the town may recover the amount due, together with all costs, by filing a civil action in the General Court Of Justice in the nature of a suit to collect a debt. In addition to all other remedies and penalties outlined in this article, the town may institute any**

other appropriate action or proceeding in a court of competent jurisdiction to prevent, correct, or abate a violation of this article.

Section 2. Section 12-126 of Chapter 12 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as strikethrough text:

Sec. 12-126. – Building materials; ~~tree and lawn trimmings.~~

- (a) Removal of scrap buildings materials shall be the responsibility of the occupant or owner of any premises.
- (b) ~~All leaves, grass, clippings, and pie straw shall be bagged or boxed at curbside except during the period from October 1 through February. During this period, the collection of these items will be made curbside using equipment designated for this purpose.~~
- (c) ~~Tree trimming and tree limbs under eight feet long shall be removed. All trimmings and limbs should be placed curbside in an orderly fashion.~~
- (d) ~~A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.~~

Section 3. Subsection (a) of Section 12-137 of Chapter 12 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text:

Sec. 12-137. Limitations on service.

- (a) Yard waste collection will be provided by the town on a **bi**-weekly basis year round. Seasonal collection for peak leaf season is identified as November through January.

Section 4. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 5. The Town Clerk and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this Ordinance or future amendments as long as doing so does not alter the terms of this Ordinance.

Section 6. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 7. Effective Date. Sections 1 and 2 of this ordinance shall be effective on July 1, 2026. Section 3 of this ordinance shall be effective on October 1, 2026.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the ____ day of _____, 2026.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney