

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: REGULAR MEETING AGENDA

Meeting Date: May 28, 2026

Item Details

Presenter(s): John Mullis, Director

Department(s): Public Works

Requested Motion

Discussion and possible motion to adopt an Ordinance amending Chapter 12 - Municipal Utilities and Services, Article V. - Yard Waste Collection section of the Code of Ordinances for the Town of Apex.

Approval Recommended?

Yes

Item Details

The Apex Town Council provided direction at the Council Retreat to consider various changes to the Town's Yard Waste Program. A presentation was provided at the April 14 Regular Town Council Meeting, and a public hearing was held on April 28.

This requires the concurrent presentation of two distinct ordinance revisions to Chapter 12 of the Town of Apex Code, establishing a clear regulatory roadmap from July 1, 2026, through the transition to containerization.

Phase I: Effective July 1, 2026 the first ordinance amendment primarily clarifies and strengthens regulations governing curbside yard waste collection, preparation, and enforcement. Key updates refine definitions, exclude collection of contractors generated yard waste and lowers the threshold for "small limbs" to less than six feet in length and six inches in diameter. It also establishes administrative authority and introduces explicit enforcement provisions to replace the previous baseline of simply refusing collection. While education and turning away non-compliant material remain primary tools, new provisions give the Town concrete teeth to abate nuisance yard waste at the owner's expense. Violators will receive an initial written warning (via certified mail, hand delivery, or front door posting) and must remedy the issue within seven days. Failure to comply, or any subsequent violation within a 12-month window, allows the Town to execute immediate civil abatement to remove the material. The property owner is then held liable

for the full cost of removal plus a \$100.00 administrative fee, which can be recovered via a civil debt lawsuit or property lien if unpaid after 30 days.

Operationally, this phase places greater emphasis on pre-collection staging and infrastructure safety, establishing setbacks from storm drains and obstacles. Routine service is capped at two cubic yards per cycle at no charge. To accommodate residents with higher-volume landscaping needs, this ordinance formally introduces a structured, fee-based scheduled on-demand collection option. Residential customers can proactively schedule up to five excess yard waste collections per cycle through the Public Works Department, with the corresponding fees conveniently invoiced directly on their municipal utility bill. Notably, during this initial phase, yard waste definitions and vacuum collection services will continue to include grass clippings as a courtesy to residents. Per Section 3 of this amendment, the Town will officially transition from weekly collection to a bi-weekly zone collection (no assigned day) schedule on October 19, 2026.

Phase II: Effective January 1, 2027 the second ordinance amendment is presented simultaneously to codify the next major programmatic milestone: the formal elimination of grass clippings from the Town's collection services. Effective January 1, 2027, the definition of yard waste is officially updated to exclude grass clippings. Vacuum collection standards are updated to restrict collection strictly to loose-leaves and small shrubbery clippings. This forward-dated ordinance ensures regulatory clarity and gives the Town a firm legal foundation to conduct public education and enforcement leading up to the final transition toward full system containerization.

Ultimately, presenting these two updates together structures a predictable, phased transition for Apex residents. By indexing service limitations, introducing flexible on-demand scheduling, establishing robust civil enforcement mechanisms, and shifting to bi-weekly zone routing, the Town balances immediate municipal operational efficiency with a long-term commitment to environmental stewardship and robust infrastructure protection.

Based on this direction, staff developed a phased implementation framework that seeks to balance operational efficiency with a stronger commitment to environmental stewardship. By providing clearer guidelines for residents, the town aims to enhance community aesthetics, bolster safety and accountability, and ensure more robust environmental protections.

Outreach efforts have already begun, including a combination of in-person engagement, print and digital messaging, and coordination with community partners to maximize awareness and understanding of the evolving yard waste program.

Attachments

- RA1-A1: PowerPoint Presentation **(to be provided at meeting)**.
- RA1-A2: Ordinance Amendments effective July 1, 2026 - Yard Waste Program
- RA1-A3: Ordinance Amendments effective January 1, 2027 - Yard Waste Program

